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THE

PUBLIC GENERAL STATUTES.

38 & 39 VICTORIÆ, 1875.

 THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

LONDON:
12, COOK'S COURT, CAREY STREET, W.C.

1875.

PUBLIC GENERAL STATUTES. 1875.

38 & 39 VICTORIÆ.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to apply the sum of eight hundred and eighty-two thousand six hundred and sixty-one pounds eight shillings and elevenpence out of the Consolidated Fund to the service of the years ending the thirty-first day of March, one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five. [19th March, 1875.]

CAP. II.

An Act to apply the sum of seven million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-six. [19th March, 1875.]

CAP. III.

An Act to make further provision with respect to the Salaries of the Magistrates of the Police Courts in the Metropolitan Police District. [19th March, 1875.]

CAP. IV.

An Act to amend the Superannuation Act, 1859, so far as relates to the Superannuation Allowances to be granted to Civil Servants who have served in unhealthy Climates. [19th March, 1875.]

CAP. V.

An Act to amend the Law relating to the Registry of Deeds Office, Ireland. [19th March, 1875.]

2 & 3 Will. 4, c. 87.] Whereas by an Act of the session of the second and third years of the reign of King William the Fourth, chapter eighty-seven, intituled "An Act to regulate the Office for Registering Deeds, Conveyances, and Wills in Ireland," the Lord High Treasurer, or the Commissioners of her Majesty's Treasury, are authorized to regulate the Register Office therein mentioned, and to make regulations, orders, and directions respecting such office and the persons employed therein, and the fees and moneys received therein; and by section thirty-five of the said Act it is among other things enacted as follows:

"Provided always, that every regulation, order, or direction so made or given by the said Lord High Treasurer or Commissioners aforesaid under this Act shall be forthwith laid before both Houses of Parliament, if Parliament shall then be sitting, and if Parliament shall not then be sitting, in that case within fourteen days after the next meeting of Parliament, and that the same shall not be carried into effect or become and be binding and conclusive until after the end of the session in which the same shall be so laid before both Houses of Parliament."

And whereas it is expedient to repeal the latter portion of the said provisions which limits the time at which the regulation, order, or direction is to take effect:

Be it enacted, &c.:

1. *Amendment of section 35 of revoked Act.*] So much of section thirty-five of the above-recited Act as enacts that any regulation, order, or direction therein mentioned shall not be carried into effect, or become and be binding and conclusive, until after the end of the session in which the same is laid before both Houses of Parliament, is hereby repealed: Provided that no regulation, order, or direction

mentioned in section thirty-five of the above-recited Act shall be in force until the same shall have been laid forty days before both Houses of Parliament while in session, and if either House within that period resolve that the whole or any part of such regulation, order, or direction ought not to be in force, the same shall not have any force, without prejudice nevertheless to the making any other regulation, order, or direction in its place.

CAP. VI.

An Act to extend the Time for the Epping Forest Commissioners to make their Final Report. [19th March, 1875.]

CAP. VII.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. [22nd April, 1875.]

CAP. VIII.

An Act for the Regulation of her Majesty's Royal Marine Forces while on shore. [22nd April, 1875.]

CAP. IX.

An Act to repeal section eight of the Building Societies Act, 1874, and make other provision in lieu thereof. [22nd April, 1875.]

Whereas by the Building Societies Act, 1874, the Act of the session of the sixth and seventh years of the reign of his late Majesty King William the Fourth, chapter thirty-two, intituled "An Act for the Regulation of Benefit Building Societies," was repealed, subject as in the recited Act mentioned, and by section eight of the said Building Societies Act, 1874, it was enacted as follows:—

"Every society, the rules of which have been certified under the said repealed Act, shall be deemed to be a society under this Act, and may obtain a certificate of incorporation under this Act, and thereupon its rules shall, so far as the same are not contrary to any express provisions of this Act, continue in force until altered or rescinded as hereinafter mentioned."

And whereas the words in the said section, whereby existing societies not having a certificate of incorporation are deemed to be societies under the Building Societies Act, 1874, were inserted through inadvertence:

Be it enacted, &c.:

1. *Repeal of section 8 of 37 & 38 Vict. c. 42.*] Section eight of the Building Societies Act, 1874, is hereby repealed as from the date of the commencement of such last-mentioned Act: Provided that such repeal shall not affect any certificate of incorporation given, or any other thing heretofore done or suffered in pursuance of such section before the date of the passing of this Act.

2. *Substitution of clause for section 8 of 37 & 38 Vict. c. 42.*] From and after the passing of this Act every society, the rules of which have been certified under the said Act of the session of the sixth and seventh years of the reign of his late Majesty King William the Fourth, chapter thirty-two, intituled "An Act for the Regulation of Benefit Building Societies," may obtain a certificate of incorporation under the Building Societies Act, 1874, and thereupon shall be deemed to be a society under that Act; and its

rules shall, so far as the same are not contrary to any express provisions of that Act, continue in force until altered or rescinded as in that Act mentioned.

3. *Short title.*] This Act may be cited as the Building Societies Act, 1875.

CAP. X.

An Act to apply the sum of fifteen millions out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-six. [13th May, 1875.]

CAP. XI.

An Act to enable limited Owners to grant or demise Lands for Glebes in Ireland. [13th May, 1875.]

Whereas it is expedient to extend the benefits of the "Leasing Powers Act for Religious Worship in Ireland, 1855," to the late Established Church of Ireland, hereinafter described as the "said Church:"

Be it enacted, &c.:

1. *Short title of Act.*] This Act may be cited for all purposes as "The Leasing Powers Amendment Act for Religious Purposes in Ireland, 1875," and this and the said before-mentioned Act of 1855 shall be read together as one Act.

2. *Lessee.*] The term "lessee" shall include the representative body of the said Church.

3. *Leasing Powers, &c., Act extended to Protestant Episcopal Church in Ireland.*] The said Leasing Powers Act for Religious Worship in Ireland, 1855, shall, as hereby amended, be held and construed to extend to the said Church, and all the rights, powers, privileges, and liabilities in the said Act contained in reference to congregations not belonging to the late Established Church of Ireland shall be deemed and held to apply and are hereby extended to the said Church, so far as the nature of the case may permit.

4. *Surrender of certain leases or grants may be accepted, and new lease made.*] Where any lease or grant shall have been made before the passing of this Act for any of the purposes in this Act mentioned, and for a period less than the term for which a lease may be made under this Act, it shall be lawful for the person enabled to make a lease of such land under this Act to accept a surrender of such existing lease or grant, and make a new lease under this Act of the same land, or of the same land and any other land in conjunction therewith; provided that the entire quantity comprised in such new lease shall not exceed five acres.

5. *Extent of Act.*] This Act shall extend to Ireland only.

CAP. XII.

An Act to amend the Law relating to International Copyright. [13th May, 1875.]

15 Vic. c. 12.] Whereas by an Act passed in the fifteenth year of the reign of her present Majesty, chapter twelve, intitled "An Act to enable her Majesty to carry into Effect a Convention with France on the Subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings," it is enacted, that "her Majesty may, by Order in Council, direct that authors of dramatic pieces which are, after a future time, to be specified in such order, first publicly represented in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions therein-after mentioned or referred to, be empowered to prevent the representation in the British dominions of any translation of such dramatic pieces not authorized by them, for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorized translations of such dramatic pieces are first published and publicly represented:"

And whereas by the same Act it is further enacted, "that, subject to any provisions or qualifications contained in such order, and to the provisions in the said Act contained or referred to, the laws and enactments for the time

being in force for insuring to the author of any dramatic piece first publicly represented in the British dominions the sole liberty of representing the same shall be applied for the purpose of preventing the representation of any translations of the dramatic pieces to which such order extends, which are not sanctioned by the authors thereof:"

And whereas by the sixth section of the said Act it is provided, that "nothing in the said Act contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country:"

And whereas it is expedient to alter or amend the last-mentioned provision under certain circumstances:

Be it enacted, &c.:

1. *Section 6 of recited Act not to apply to dramatic pieces in certain cases.*] In any case in which, by virtue of the enactments hereinafter recited, any Order in Council has been or may hereafter be made for the purpose of extending protection to the translations of dramatic pieces first publicly represented in any foreign country, it shall be lawful for her Majesty by Order in Council to direct that the sixth section of the said Act shall not apply to the dramatic pieces to which protection is so extended; and thereupon the said recited Act shall take effect with respect to such dramatic pieces and to the translations thereof as if the said sixth section of the said Act were hereby repealed.

CAP. XIII.

An Act to extend to the Docks, Custom Houses, Inland Revenue Offices, and Bonding Warehouses in England and Ireland certain provisions of the Bank Holidays Act, 1871, and to amend the same. [13th May, 1875.]

Whereas it is expedient to amend "The Bank Holidays Act, 1871" (in this Act referred to as the Holidays Act of 1871), and to extend certain of the holidays named therein to the Customs, bonding warehouses, and docks, and to amend the Acts relating to holidays in the inland revenue offices in England and Ireland:

Be it enacted, &c.:

1. *Certain days mentioned in schedule to be holidays.*] From and after the passing of this Act, the several days and each and every of them in the schedule to this Act mentioned, being holidays under the Holidays Act of 1871, shall be kept as public holidays in the Customs, inland revenue offices, and bonding warehouses in England and Ireland respectively; and it shall be lawful for the directors or governing body (by whatever name known) of any dock or docks in England and Ireland respectively to cause the said days or any of them to be kept as holidays in such dock or docks, any restraining clause in any Act of Parliament notwithstanding: Provided that such directors or governing body shall give notice thereof by inserting an advertisement to that effect in some newspaper circulating in the locality of such dock or docks, and by affixing to the principal gates of the said dock or docks, or to some conspicuous place in the immediate neighbourhood, a notice to the same effect for at least a week immediately preceding any day which it is intended to observe as a holiday under this Act; and the anniversary of the coronation of her Majesty and her successors, and the birthday of the Prince of Wales shall no longer be kept as holidays in any inland revenue office in England or Ireland.

2. *When 26th December falls on a Sunday, Monday to be the holiday.*] Whenever the twenty-sixth day of December shall fall on a Sunday, the Monday immediately next following, that is to say, the twenty-seventh day of December, shall be a holiday under this Act, and also under the Holidays Act of 1871.

3. *Exercise of powers by Lord Lieutenant of Ireland.*] The powers conferred on her Majesty by sections four and five of the Holidays Act of 1871 may be exercised in Ireland, as far as relates to that part of the United Kingdom, by the Lord Lieutenant in Council, and section six of that Act is hereby repealed; and those powers of her Majesty and of the Lord Lieutenant in Council shall extend to holidays under this Act.

4. *Short Title.*] This Act may be cited for all purposes as the Holidays Extension Act, 1875.

SCHEDULE.

Easter Monday.

Monday in Whitsun week.

The first Monday in August.

The twenty-sixth of December (if a week day).

CAP. XIV.

An Act to amend and continue certain Acts for the Preservation of the Peace in Ireland, and to grant an Indemnity in certain cases. [28th May, 1875.]

CAP. XV.

An Act to amend the Sea Fisheries Act, 1868. [28th May, 1875.]

Be it enacted, &c.:

1. *Oyster fishery companies under control of Inspectors of Fisheries to be subject to Board of Trade.*

2. *Powers of Board of Trade in making inquiries.*

3. *Saving.*] Nothing in the Sea Fisheries Act, 1868, or in the schedule thereto shall be deemed to repeal or alter any of the regulations for preventing collisions at sea, contained in the schedule to the Merchant Shipping Act Amendment Act, 1862, or to take away or diminish the power to annul or modify any of the said regulations, and to make new regulations in addition thereto or in substitution thereof, which by the said last-mentioned Act is given to her Majesty in Council.

4. *Short Title.*] This Act may be cited as "The Sea Fisheries Act, 1875."

CAP. XVI.

An Act to amend the Law relating to Regimental Exchanges. [28th May, 1875.]

CAP. XVII.

An Act to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other explosive substances. [14th June, 1875.]

Be it enacted, &c.:

Preliminary.

1. *Short title.*] This Act may be cited as the Explosives Act, 1875.

2. *Commencement of Act.*] This Act shall come into operation on the first day of January, 1876, in this Act referred to as the commencement of this Act; but any Order in Council, order, general rules, and bye-laws, and any appointment to an office, may be made under this Act at any time after the passing thereof, but shall not take effect until the commencement of this Act.

3. *Substances to which this Act applies.*] This Act shall apply to gunpowder and other explosives as defined by this section.

The term "explosive" in this Act—

(1) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(2) Includes fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

PART I.

LAW RELATING TO GUNPOWDER.

General Law as to Manufacture and Keeping of Gunpowder.

4. *Gunpowder to be manufactured only at factory lawfully existing or licensed under this Act.*

5. *Gunpowder (except for private use) to be kept only*

in existing or new magazine or store, or in registered premises.

Licensing of Factories and Magazines for Gunpowder.

6. *Application for licence for new factory or magazine.*

7. *Application for assent of local authority to site of new factory or magazine.*

8. *Grant and confirmation of licence.*

Regulation of Factories and Magazines for Gunpowder.

9. *Regulation of factories and magazines for gunpowder.*

10. *General rules for factories and magazines.*

11. *Special rules for regulation of workmen in factory or magazine.*

Supplemental as to Factories and Magazines for Gunpowder.

12. *Alteration of terms of licence and enlargement of factory or magazine.*

13. *Devolution and determination of licence.*

Application of Act to existing Factories and Magazines for Gunpowder.

14. *Continuing certificate for existing factories and magazines.*

Consumers' Stores for Gunpowder.

Licensing and Regulation of Stores.

15. *Store licence to be obtained from local authority.*

16. *Order in Council prescribing situation and construction of stores.*

17. *General rules for stores.*

18. *Non-transferability, renewal, and forms of store licences.*

19. *Special rules for regulation of workmen in stores.*

Application of Act to existing Stores for Gunpowder.

20. *Definition of and continuing certificate for existing stores which are to be subject to this Act.*

Retail Dealing with Gunpowder.

Registration and Regulation of Registered Premises.

21. *Registration of premises with local authority.*

22. *General rules for registered premises.*

Supplemental Provisions.

23. *Precautions against fire or explosion to be taken by occupier.*

24. *Explanation as to quantities of gunpowder allowed in buildings.*

25. *Regulations as to arbitration.*

26. *Fees for licences.*

27. *Adjoining places occupied together to be one place.*

28. *Register of store licences and registered premises to be kept by local authority.*

29. *Provision in case of death, &c., of occupier of store or registered premises.*

Sale of Gunpowder.

30. *Restriction on sale of gunpowder in highways, &c.*

31. *Penalty for sale of gunpowder to children.*

32. *Sale of gunpowder to be in closed packages labelled.*

Conveyance of Gunpowder.

33. *General rules as to packing of gunpowder for conveyance.*

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25 & 26 Vict. c. 98.	An Act for the amendment of an Act of the session of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and thirty-nine, intituled an Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks, and of an Act amending the last-mentioned Act.
29 & 30 Vict. c. 69.	An Act for the amendment of the law with respect to the carriage and deposit of dangerous goods.
32 & 33 Vict. c. 113.	An Act to prohibit for a limited time the importation, and to restrict and regulate the carriage, of nitro-glycerine.

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CAP. XVIII.

An Act to provide for the establishment of a Close Time in the Seal Fishery in the Seas adjacent to the eastern coasts of Greenland. [14th June, 1875.]

CAP. XIX.

An Act for making perpetual the Bishops' Resignation Act, 1869. [14th June, 1875.]

32 & 33 Vict. c. 111.] Whereas by section sixteen of the Bishops' Resignation Act, 1869, it is enacted that that Act shall remain in force for two years, and further until the end of the then next ensuing session of Parliament:

And whereas the said Act was continued for three years from the end of the session of Parliament in the year one thousand eight hundred and seventy-two, and if Parliament should be then in session until the end of that session:

And whereas it is expedient that the said Act should be made perpetual:

Be it enacted, &c.:

1. Perpetuation of 32 & 33 Vict. c. 111.] Section sixteen of the Bishops' Resignation Act, 1869, is hereby repealed, and that Act shall be perpetual.

CAP. XX.

An Act to amend the Laws relating to the Justices of the Police District of Dublin Metropolis. [14th June, 1875.]

CAP. XXI.

An Act for amending the Law relating to Houses of Public Dancing, Music, or other Public Entertainment of the like kind, in the Cities of London and Westminster.

[14th June, 1875.]

25 Geo. 2, c. 36.] Whereas by an Act of the twenty-fifth year of the reign of his late Majesty King George the Second, chapter thirty-six, intituled "An Act for the better preventing thefts and robberies, and for regulating places of public entertainment, and punishing persons keeping disorderly houses," it is provided that any house, room, garden, or other place kept for public dancing, music, or other public entertainment of the like kind, in the cities of London and Westminster, or within twenty miles thereof, without a licence had for that purpose from the last preceding Michaelmas quarter sessions of the peace to be holden for the county, city, riding, liberty, or division in which such house, room, garden, or other place is situate (who are hereby authorized and empowered to grant such licences as they in their discretion shall think proper), signified under the hands and seals of four or more of the justices there assembled, shall be deemed a disorderly house or place; and it is further, amongst other things, provided by section three of the said Act that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of five in the afternoon:

And whereas it is expedient to amend the said Act as hereinafter mentioned:

Be it enacted, &c.:

1. Amendment of section 3 of 25 Geo. 2, c. 36.] Section three of the recited Act shall be construed as if, instead of the proviso, "that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of five in the afternoon," there were substituted the proviso, "that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of noon."

Provided, that if on any special occasion an occasional licence of exemption shall have been granted under the twenty-ninth section of the Licensing Act, 1872, in respect of any house, room, garden, or other place licensed under the recited Act, no penalty or forfeiture shall be incurred for contravention of section three of the recited Act, as hereby amended, on account of such house, room, garden, or other place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such occasional licence as the hour for closing.

2. Commencement of Act.] This Act shall be deemed to have come into operation on the twenty-ninth of September one thousand eight hundred and seventy-four, and all proceedings now pending for forfeitures or penalties on account of any breach of either of the conditions mentioned in section three of the recited Act shall be forthwith stayed, and no proceedings shall be instituted for any forfeiture or penalty on account of any such breach committed before the passing of this Act.

3. Short title.] This Act may be cited as the Public Entertainments Act, 1875.

CAP. XXII.

An Act for the further regulation of the Duties on Postage, and for other purposes relating to the Post Office.

[14th June, 1875.]

CAP. XXIII.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[14th June, 1875.]

CAP. XXIV.

An Act to amend the Law with reference to the Falsification of Accounts.

[29th June, 1875.]

Whereas it is expedient to amend the law so as to punish the falsification by clerks, officers, servants, and others of their employers' accounts, books, writings, or documents:

Be it enacted, &c.:

1. Punishment for falsification of accounts, &c.] That if any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud destroy, alter, mutilate, or falsify any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or shall wilfully and with intent to defraud make or concur in making any false entry in, or omit or alter, or concur in omitting or altering, any material particular from or in any such book, or any document, or account, then in every such case the person so offending shall be guilty of a misdemeanour, and be liable to be kept in penal servitude for a term not exceeding seven years, or to be imprisoned with or without hard labour for any term not exceeding two years.

2. Intention to defraud sufficient indictment.] It shall be sufficient in any indictment under this Act to allege a general intent to defraud without naming any particular person intended to be defrauded.

3. Act to be read with 24 & 25 Vic. c. 96.] This Act shall be read as one with the Act of the twenty-fourth and twenty-fifth of her Majesty, chapter ninety-six.

4. Short title.] This Act may be cited as the Falsification of Accounts Act, 1875.

CAP. XXV.

An Act to consolidate, with amendments, the Acts relating to the Protection of Public Stores.

[29th June, 1875.]

CAP. XXVI.

An Act to amend the Law of Bankruptcy in Scotland.

[29th June, 1875.]

19 & 20 Vic. c. 79.] Whereas by section one hundred and twenty-two of the Bankruptcy (Scotland) Act, 1856, it is enacted that "the wages of workmen and of clerks and shopmen and servants employed by the bankrupt, where such wages do not exceed sixty pounds per annum, shall be entitled to the same privilege as the wages of domestic servants to the extent of a month's wages prior to the date of sequestration being awarded, or where sequestration is not awarded, prior to the concurrence of diligence for distribution of the estate of a party being notour bankrupt:"

And whereas it is expedient to amend the said enactment:

Be it enacted, &c.:

1. Application of the Act.] This Act shall apply only to Scotland.

2. Repeal of 19 & 20 Vic. c. 79, s. 122.] The said recited section shall be and the same is hereby repealed.

3. Workmen's wages to be privileged.] From and after the passing of this Act, the wages of clerks and shopmen and servants employed by the bankrupt shall be entitled to the same privilege as the wages of domestic servants to an extent not exceeding four months' wages prior to the date of sequestration being awarded, or where sequestration is not awarded prior to the concurrence of diligence for distribution of the estate of a party being notour bankrupt, and not exceeding the sum of fifty pounds; and the wages of workmen employed by the bankrupt shall be similarly entitled to an extent not exceeding two months' wages prior to the same respective dates.

CAP. XXVII.

An Act to extend to the surviving Children of poor Widows the benefits of the Act thirty-sixth and thirty-seventh Victoria, chapter fifty-two, intituled "An Act for the Relief of Widows and Children of Intestates where the personal estate is of small value."

[29th June, 1875.]

Whereas it is desirable that the provisions of the Act of thirty-six and thirty-seven Victoria, chapter fifty-two, intituled "An Act for the relief of Widows and Children of

Intestates where the personal estate is of small value," should be made applicable to the surviving children of a poor widow who dies intestate:

Be it enacted, &c.:

1. *Extension of Act of 35 & 37 Vict. c. 52, to children of poor intestate widows.*] Where the whole estate and effects of an intestate widow shall not exceed in value the sum of one hundred pounds, any one or more of her children, if they shall reside at a distance exceeding three miles from the Registry of the Court of Probate having jurisdiction in the matter, may apply to the registrar of the county court within the district in which the intestate had her fixed place of abode at the time of her death, and on compliance with the regulations prescribed in the said Act of thirty-six and thirty-seven Victoria shall be entitled to the benefits in that case made and provided by the said Act, and the schedule thereunto annexed.

2. *Construction of the Act.*] This Act shall be read and construed along with and as part of the recited Act.

CAP. XXVIII.

An Act to amend the Law respecting the Superannuation Allowances of certain Officers of the Staff of the Metropolitan Police. [29th June, 1875.]

CAP. XXIX.

An Act to continue the Endowed Schools Act, 1868. [29th June, 1875.]

CAP. XXX.

An Act to amend the Glebe Loan (Ireland) Amendment Act, 1871. [29th June, 1875.]

CAP. XXXI.

An Act to make perpetual Section Four of the Railway Companies Act, 1867, and Section Four of the Railway Companies (Scotland) Act, 1867. [29th June, 1875.]

30 & 31 *Vict. c. 127.*] Whereas by section four of the Railway Companies Act, 1867, restrictions were placed on the liability of the rolling stock and plant of railway companies in England and Ireland to be taken in execution at law or in equity at any time after the passing of that Act and before the first day of September, one thousand eight hundred and sixty-eight:

30 & 31 *Vict. c. 126.*] And whereas by section four of the Railway Companies (Scotland) Act, 1867, restrictions were placed on the liability of rolling stock and plant of railway companies in Scotland to be attached by diligence at any time after the passing of that Act and before the first day of September, one thousand eight hundred and sixty-eight:

31 & 32 *Vict. c. 79.*] And whereas by the Railway Companies Act, 1868, it was enacted that the said sections should be read and have effect as if the first day of September, one thousand eight hundred and seventy, were therein mentioned instead of the first day of September, one thousand eight hundred and sixty-eight:

And whereas the said sections have since been continued until the thirty-first day of December, one thousand eight hundred and seventy-five, and it is expedient that the same should be made perpetual:

Be it enacted, &c.:

1. 30 & 31 *Vict. c. 127, s. 4, and c. 126, s. 4, made perpetual.*] The Railway Companies Act, 1868, and also the words "and before the first day of September, one thousand eight hundred and sixty-eight," in section four of the Railway Companies Act, 1867, and in section four of the Railway Companies (Scotland) Act, 1867, are hereby repealed, and the said sections shall be perpetual.

CAP. XXXII.

An Act to continue for Ten Years the Survey (Great Britain) Acts. [29th June, 1875.]

CAP. XXXIII.

An Act to amend the Metropolis Management Acts. [29th June, 1875.]

Whereas by section one hundred and sixty-three of the Metropolis Management Act, 1855, it is provided that any

sewers rate raised under that Act shall, as regards all land used as arable, meadow, or pasture ground only, or as woodland, orchard, market garden, hop, herb, flower, fruit, or nursery ground, be assessed and levied in the proportion of one fourth part only of the net annual value of such land:

And whereas by section one hundred and sixty-four of the same Act it is also provided that where any property was, at the time of the issuing of the first commission under the Act of the eleventh and twelfth years of her Majesty, chapter one hundred and twelve, entitled to exemption from or to any reduction or allowance in respect of the sewers rate, such exemption, reduction, or allowance shall be observed and allowed in levying any sewers rate under that Act:

And whereas by virtue of the said recited Act, and the Acts amending the same, the Metropolitan Board of Works do assess the several parts of the metropolis according to the basis on which the printed totals of the valuation lists sent out by the clerk of the managers of the Metropolitan Asylum District under the Valuation (Metropolis) Act, 1869, are made, and issue their precepts for sums of money which, by reason of the recited exemptions, cannot be levied upon some of the property included in such assessment, or can only be levied at one fourth of the amount included in such assessment, whereby the parts of the metropolis wherein such exemptions exist are compelled to make a rate at an increased amount in order to meet such precepts:

Be it enacted, &c.:

1. *Metropolitan Board of Works to make abatement on assessment of parts of metropolis containing property exempt from sewers rate.*] From and after the sixth day of April, one thousand eight hundred and seventy-six, the Metropolitan Board of Works, in every assessment made by them upon such parts of the metropolis as contain property wholly or partially exempt from sewers rate, and in the precepts issued for obtaining payment of the sums so assessed, shall make an allowance or abatement equal to the reduction or exemption which, under the one hundred and sixty-third and one hundred and sixty-fourth sections of the Metropolis Management Act, 1855, is required to be made in levying any rate for the purpose of meeting such precepts.

2. *Totals of value of property so exempt to be inserted in valuation lists.*] The overseers and assessment committees acting under the Valuation (Metropolis) Act, 1869, shall cause the totals of the gross and rateable value of the property so wholly or partially exempt from sewers rate, and the extent of such exemption, to be ascertained and inserted in the valuation lists which will come into force on the sixth day of April, one thousand eight hundred and seventy-six, and in every valuation list which shall thereafter be made by them.

3. *Totals to be printed.*] The said lists shall be sent by the assessment committees before the first day of November in each year to the clerk of the managers of the Metropolitan Asylum District, who shall print and send the said totals and extent of exemptions, with the other totals of gross and rateable value required to be printed and sent by the seventeenth section of the said Valuation (Metropolis) Act, 1869.

4. *Appeal in case of unfairness, &c.*] Any unfairness or incorrectness in the said totals and extent of exemptions may be appealed against in the manner provided for appealing against totals of gross or rateable value under section thirty-two of the Valuation (Metropolis) Act, 1869.

CAP. XXXIV.

An Act to amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the re-arrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans. [29th June, 1875.]

CAP. XXXV.

An Act for the further amendment of the Laws relating to Turnpike Roads in South Wales. [29th June, 1875.]

CAP. XXXVI.

An Act for facilitating the Improvement of the Dwellings of the Working Classes in Large Towns.

[29th June, 1875.]

Whereas various portions of many cities and boroughs are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants :

And whereas there are in such portions of cities and boroughs as aforesaid a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of health, not only in the courts and alleys, but also in other parts of such cities and boroughs :

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner to make such alterations as are necessary for the public health :

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and boroughs should be re-constructed :

And whereas in connection with the re-construction of those portions of such cities and boroughs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof :

Be it enacted, &c. :

Preliminary.

1. *Short title.*—This Act may be cited for all purposes as "The Artisans and Labourers' Dwellings Improvement Act, 1875."

2. *Application of Act to certain districts, and description of local authority.*—This Act shall apply only to

- (1) The City of London ; and
- (2) The metropolis, exclusive of the City of London ; and
- (3) Urban sanitary districts in England containing, according to the last published census for the time being, a population of twenty-five thousand and upwards ;
- (4) Urban sanitary districts in Ireland containing, according to the last published census, a population of twenty-five thousand and upwards ;

and the local authority shall be as follows ; that is to say—

- (1) As respects the City of London, the Commissioners of Sewers ; and
- (2) As respects the metropolis, the Metropolitan Board of Works ; and
- (3) As respects each urban sanitary district, the urban sanitary authority of that district.

PART I.

UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

3. *Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.*—Where an official representation, as hereinafter mentioned, is made to the local authority that any houses, courts, or alleys within a certain area under the jurisdiction of the local authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of the local authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the streets and houses within such area, or of some of such streets or houses, the local authority shall

take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that no person being beneficially interested in any lands within such area shall vote as member of the local authority upon such resolution, or upon any question relating to the purchase or taking of lands in which he is so interested.

If any person votes in contravention of this proviso, he shall, on summary conviction, incur a penalty not exceeding twenty pounds ; but the fact of his giving such vote shall not invalidate any resolution passed by the local authority.

Provided always, that any number of such areas may be included in one improvement scheme.

4. *Official representation by whom to be made.*—An official representation shall mean, in the metropolis, a representation made by the medical officer of health of any district board, or vestry, or by such medical officer as is hereafter in this Act mentioned, to the local authority, and elsewhere shall mean a representation made to the local authority by the medical officer of health of such authority. A medical officer acting in pursuance of this Act shall make such representation whenever he sees cause to make the same ; and if two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under this Act are made payable, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act.

5. *Requisites of improvement scheme of local authority.*—The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates ; it may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes ; it may also provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health ; also it shall distinguish the lands proposed to be taken compulsorily, and shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof ; it shall also provide for proper sanitary arrangements. It may also provide for such scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property subject to the scheme or with the concurrence of such person, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

2. *Confirmation of Scheme.*

6. *Improvement scheme by provisional order to be confirmed by Parliament.*—Upon the completion of an improvement scheme the local authority shall—

Publication of notices.—Publish, during the three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the jurisdiction of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours ; and,

Service of notices.—During the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be as-

certained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

- (a) By delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,
- (b) By leaving the same at the usual or last known place of abode of such person as aforesaid; or,
- (c) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Petition to Secretary of State or Local Government Board. Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition, if such authority be the Commissioners of Sewers or the Metropolitan Board of Works to a Secretary of State, and if such authority be an urban sanitary authority to the Local Government Board, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking of their lands, and shall be supported by such evidence as the Secretary of State or Local Government Board, according to the circumstances of the case (in this Act referred to as the confirming authority), may from time to time require:

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme:

After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area to which the scheme relates, and authorizing such scheme to be carried into execution. Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act to be served, except tenants for a month or a less period than a month.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any provisional order made in pursuance of this Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a public general Act of Parliament, and is in this Act referred to as the confirming Act.

The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense

incurred by the local authority under this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of her Majesty's superior courts, and be enforced accordingly.

7. Costs to be awarded in certain cases. Where any Bill for confirming a provisional order authorizing an improvement scheme is referred to a committee of either House of Parliament upon the petition of any person opposing such Bill, the committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the committee for the time being present and voting on any question under this section shall be deemed to be the decision of the committee.

8. Inquiry on refusal of local authority to make an improvement scheme. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, such local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

3. Execution of Scheme by Local Authority.

9. Duty of local authority to carry scheme, when confirmed, into execution. When the confirming Act authorizing any improvement scheme of a local authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease. The local authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they

may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes, the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

Provided also, that in any case in which the local authority erect any dwellings out of funds to be provided under this Act, they shall, unless the confirming authority shall otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such person.

10. *Completion of scheme on failure by local authority.*] If within five years after the removal of any buildings on the land set aside by any provisional order as sites for working-men's dwellings the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

11. *Notice to occupiers by placards.*] The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

13. *Power of confirming authority to modify authorized scheme.*] The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme, and that due provision has been made or secured for the accommodation in suitable dwellings of as many persons of the working class as may be displaced in the area to which such scheme relates, either in manner provided by the scheme or in some other manner, or will be more advantageously made or secured under the proposed alteration, may permit the local authority to modify any part of an improvement scheme authorized by the confirming Act which it may appear inexpedient to carry into execution in accordance with such Act.

A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, within one month after the next meeting of Parliament: Provided always, that if such modification or alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, it must be made by a provisional order, to be confirmed by Act of Parliament in the manner provided in section six of this Act on the completion of an improvement scheme.

PART II.

PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

AS TO LOCAL AUTHORITY.

1. *Medical Officer.*

13. *Medical officer of health in metropolis.*] The Metropolitan Board of Works may, with the assent of a Secretary of State, at any time appoint one or more legally qualified medical practitioners or practitioners, with such remuneration as they think fit, for the purpose of better carrying into effect this Act in the metropolis. Any officer so appointed by the Metropolitan Board of Works shall be deemed to be a medical officer of health of a local authority within the meaning of this Act, and shall perform the duties and be subject to the liabilities which such medical officer is by this Act required to perform and be subject to.

14. *Provision in case of absence of medical officer of health.*] In case of the illness or unavoidable absence of the medical officer of health, the district board, vestry, or local authority, as the case may be, may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, who shall for the period of six calendar months, or any less period to be named in the appointment, have and perform all the powers and duties of a medical officer of health under this Act.

15. *Inquiry on default of medical officer in certain cases.*] Where twelve or more ratepayers have complained to a medical officer of the unhealthiness of any area within the jurisdiction of such officer, and the medical officer has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and, upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a medical officer to inspect such area and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area is an unhealthy area or not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it state that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the officer appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where such officer is of opinion that the area is an unhealthy area.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of her Majesty's superior courts, and be enforced accordingly.

2. *Local Inquiry.*

16. *Proceedings on local inquiry.*] Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme.

17. *Notice of inquiry to be publicly given.*] Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

18. *Power to administer oath.*] The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

3. Acquisition of Land.

10. Acquisition of land.] (1) The clauses of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but save as aforesaid the said Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in England and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof; and (2) "The Lands Clauses Consolidation Act, 1845," as amended by "The Lands Clauses Consolidation Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," shall, subject to the provisions following, regulate and apply to the purchase and taking of lands in Ireland, and shall for this purpose be deemed to form part of this Act, in the same manner as if they were enacted in the body thereof.

Subject, as respects both England and Ireland, to the provisions following; that is to say,

- (1) This Act shall authorize the taking by agreement any lands which the local authority may require for the purpose of carrying into effect the scheme authorized by any confirming Act, but it shall authorize the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily;
- (2) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, and all circumstances affecting such value, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands which in the opinion of the arbitrator have been included in a scheme as falling under the description of property named in the third section of this Act;
- (3) In the construction of the said Lands Clauses Consolidation Acts, and the provisions in the said schedule, this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

20. Extinction of rights of way and other easements.] Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme authorized by a confirming Act, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

4. Expenses.

21. Formation of improvement fund for purposes of this Act.] A separate account shall be kept by the local authority of their receipts and expenditure in respect of any transactions under this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund. The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from

time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

In settling any accounts of the local authority in respect of any transactions under this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the local authority under this Act shall be applicable to any purposes to which the local rates are for the time being applicable.

The local rates shall, in the case of the Commissioners of Sewers, mean the sewer rate and the consolidated rate leviable by such commissioners, or either of such rates.

The Metropolitan Board of Works shall levy as part of the metropolitan consolidated rate within the area of the metropolis, without making any demand on the City of London, a sufficient amount for the purposes of this Act, and the part so levied shall, for the purposes of this Act, in the case of the Metropolitan Board of Works, be referred to and included under the expression "local rates."

The "local rates" shall in the case of an urban sanitary authority mean all or any rates or rate levied throughout the district of such authority, and out of which the local authority is authorized to pay any expenses incurred under the Sanitary Acts, as defined by the Public Health Act, 1872, and by the Public Health (Ireland) Act, 1874.

The local authority may carry to the account of the Dwelling-house Improvement Fund any moneys or the produce of any property, which moneys or produce are or is legally applicable to purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

22. Power of borrowing money for the purposes of the Act.]

Any local authority under this Act may for the purposes of this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of local rates the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

An urban sanitary authority shall have the same power of borrowing on the credit of the local rates such sums of money as they may require for the purposes of this Act as they have under section forty of the Public Health Act, 1872, or under the Public Health (Ireland) Act, 1874, for sanitary purposes.

The Commissioners of Sewers may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

The Metropolitan Board of Works may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works (Loans) Act, 1869, for the purpose of raising such sums as they may require for the purposes of this Act, but there shall be repaid to the com-

solidated rate out of the local rate all moneys required for payment of the dividends on and the redemption of the consolidated stock created for the purposes of this Act.

The Public Works Loan Commissioners, or, in the case of Ireland, the Commissioners of Public Works, acting with the consent of the Treasury, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for the purposes of this Act, on the security, in the case of the Metropolitan Board of Works, of consolidated stock created under the Metropolitan Board of Works (Loans) Act, 1869, and in any other case on the security of the local rates. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority, and shall bear interest at the rate of three and a half per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

23. *Audit of accounts.*] The accounts of the Commissioners of Sewers and the accounts of the Metropolitan Board of Works under this Act shall respectively be audited in the same manner and with the same power in the officers auditing the same in which the accounts of those bodies, when acting in their capacities of Commissioners of Sewers and Metropolitan Board of Works, are for the time being required to be audited by law.

The accounts of an urban sanitary authority under this Act shall be audited in the same manner and with the same power in the officers auditing the same in which the accounts of that authority in its character of sanitary authority are for the time being required to be audited by law.

PART III.

GENERAL PROVISIONS.

24. *Provision where local authority has no seal.*] Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the confirming authority may require.

Notices.

25. *Service of notice on the local authority.*] Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

26. *Power of confirming authority as to advertisements and notices.*] The confirming authority may from time to time by order prescribe the forms of advertisements and notices under this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this Act.

27. *Power of confirming authority to dispense with notices in certain cases.*] The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

28. *Authentication of notices served by the local authority.*] Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

Penalties.

29. *Penalty for obstructing officers in execution of Act.*] Where any person obstructs the officer of health or any officer

of the local or confirming authority acting in the performance of anything which the local or confirming authority are by this Act required or authorized to do, every person so offending shall, on summary conviction, for every such offence forfeit a sum not exceeding twenty pounds.

Saving Clauses.

30. *Relation of local Acts to general Acts.*] Where in any place to which this Act applies, any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act; provided that the local authority of any place to which this Act applies shall not, by reason of any local Act within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

Definitions.

31. *Definitions of terms of Act.*] The expressions hereinafter mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

"*Secretary of State.*" "Secretary of State" means one of her Majesty's principal Secretaries of State:

"*Person.*" "Person" shall include a body of persons, corporate or unincorporate:

"*Lands.*" "Lands" shall include messuages, lands, tenements, and hereditaments of any tenure, and any right over land:

"*The City of London.*" "The City of London" shall include the liberties thereof:

"*The Metropolis.*" "The Metropolis" shall not include the City of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works:

"*A district board or vestry.*" "A district board or vestry" within the Metropolis means a district board or vestry as incorporated by the Metropolis Management Act, 1855:

"*Medical officer of health.*" "Medical officer of health" shall, in the case of Ireland, mean consulting sanitary officer:

"*Local Government Board.*" "Local Government Board" shall, in the case of Ireland, mean Local Government Board of Ireland:

"*Clerk of local authority.*" "Clerk of local authority" shall, in the case of Ireland, mean executive sanitary officer and acting clerk:

"*Superior courts.*" "Superior courts" shall mean, in the case of Ireland, her Majesty's superior courts in Ireland:

"*The Treasury.*" "The Treasury" shall mean the Lords Commissioners of the Treasury, or any two of them:

"*This Act.*" "This Act" includes any confirming Act as hereinbefore defined.

SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN ENGLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING THE LANDS CLAUSES ACT, 1854.

Deposit of Maps and Plans.

(1) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily (which lands are hereinafter referred to as the scheduled lands), together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

(2) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

Appointment of Arbitrator.

(4) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

Proceedings on Arbitration.

(5) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

"I, A.B., do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Artisans and Labourers Dwellings Improvement Act, 1875."

"Made and subscribed in the presence of

And such declaration shall be annexed to the award, when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanour.

(6) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

(a) The appointment of the arbitrator:

(b) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same:

(c) A requisition directing the owners of or parties by this Act enabled to sell and convey or release any of the said scheduled lands, or any lands injuriously affected by the execution of the scheme of the local authority or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition (and being a day not earlier than twenty-one days from the date of the insertion of the last of such notices), a short statement in writing of the nature of their respective claims.

(7) The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands, and of the several interests in such lands, and the compensation to be made for injury to any lands as are mentioned in his appointment injuriously affected by the execution of the scheme of the local authority.

(8) The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands, and also, where any inquiry relates to injury to any lands injuriously affected by the execution of the scheme of the local authority, the compensation payable in respect of such inquiry.

(9) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the local authority.

(10) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited at the office of the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

(11) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such

provisional award by any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed.

(12) When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall confirm such award under his hand and seal accordingly; and thereupon such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal hereinafter contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

(13) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim, when the abstract shall commence with such conveyance.

Payment of Purchase-Money.

(14) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15) Every such certificate shall be prepared by and at the costs of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases hereinafter mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in any of Her Majesty's superior courts of law at Westminster, or in any court to which the jurisdiction of such courts may be transferred, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorized to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18) When and so soon as the local authority have paid

to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases hereinafter mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19) In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase-moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the costs of the local authority.

(20) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, "with respect to the purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(21) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have, under the provisions of this Act, taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, and the amount so paid into the said bank shall be accordingly dealt with as by the said Act provided.

(22) Nothing herein contained shall prevent the local authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement hereinbefore mentioned, if they think fit, so as the same be obtained at the costs of the local authority.

(23) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by application to the High Court of Chancery, or any court to which the jurisdiction of the High Court of Chancery may be transferred, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

Entry on Lands on making Deposit.

(24) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions hereinbefore contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his provisional award, upon depositing in the Bank of

England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorized to be purchased or taken by the local authority and mentioned in such provisional award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority; and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into the said bank, then until the same, with such interest, is paid into such bank accordingly; and where under this provision interest is payable on any compensation money, the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the bank in similar cases, or to such account as may be directed by any order of the Court of Chancery, or of any court to whom the powers of the Court of Chancery may be transferred, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in bank annuities or Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Chancery, or any other court to which the jurisdiction of the Court of Chancery may be transferred, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulations thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

(26) Where the party named in any certificate issued under the provisions hereinbefore contained of the amount of the composition ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds five hundred pounds, and

Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds five hundred pounds, also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of five hundred pounds:

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen—

- (1) Where a certificate has been issued as aforesaid at the date of the issue of the certificate:
- (2) Where moneys have been paid into court, at the date of the payment into court:
- (3) Where the local authority appeals, at the date of the making of the final award.
- (27) Where a notice has been given under this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: Provided, also, that—

- (1) Where the local authority appeals, that authority shall be deemed to be the plaintiff, the party entitled to compensation to be the defendant; and
- (2) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the Court of Queen's Bench, or any court to which the jurisdiction of the Court of Queen's Bench may be transferred; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial, to be taxed and ascertained in manner aforesaid.
- (3) Where the local authority is the appellant—
 - (1) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct; and,
 - (2) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.
- (4) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

(28) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses, by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly. Further, any such certificate may be made a rule of one of the superior courts of law on the application of any party named therein, and may be enforced accordingly.

(29) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after de-

mand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per cent. for any time during which the same remains unpaid after such seven days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

Miscellaneous.

(30) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator, shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the London Gazette.

(32) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in the manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

CAP. XXXVII.

An Act to amend the Law relating to Juries in Ireland. [29th June, 1875.]

Whereas the law relating to juries in Ireland was amended by "The Juries (Ireland) Act, 1873," but the time during which the provisions of the said Act should be in force and operation was by the said Act limited to the eleventh day of January, one thousand eight hundred and seventy-five:

And whereas by "The Juries (Ireland) Act, 1874," the provisions of "The Juries (Ireland) Act, 1873," with the exception of sections three and eight, were continued in force and operation until the eleventh day of January, one thousand eight hundred and seventy-six:

And whereas it is expedient that the said provisions so continued should continue in force and operation for a further limited time:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as "The Juries (Ireland) Act, 1875," and the Juries (Ireland) Acts, 1871 to 1874, and this Act, shall be construed together as one Act, and the same may be cited for all purposes as "The Juries (Ireland) Acts, 1871 to 1875."

2. *Certain provisions of 36 & 37 Vict. c. 27, continued.*] The provisions of "The Juries (Ireland) Act, 1873," with the exception of sections three and eight, shall continue in force and operation until the eleventh day of January, one thousand eight hundred and seventy-seven, and the said provisions of the said Act hereby continued shall be read and construed as if the words "one thousand eight hundred and seventy-seven" were therein inserted instead of the words "one thousand eight hundred and seventy-five," and as if the words "and in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five" were inserted in section five of the said Act after the words "in the year one thousand eight hundred and seventy-three."

CAP. XXXVIII.

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under section eighteen of the British North America Act, 1867.

[19th July, 1875.]

CAP. XXXIX.

An Act to amend the provisions of the Metalliferous Mines Regulation Act, 1872, with respect to the annual Returns from Mines.

[19th July, 1875.]

CAP. XL.

An Act to amend the Law Regulating Municipal Elections.

[19th July, 1875.]

Be it enacted, &c.:

1. *Provisions applicable to municipal elections.*] The following provisions shall be enacted and apply to nominations at all municipal elections of councillors, auditors, and assessors after the passing of this Act:

(1) Nine days at least before any such election the town clerk shall prepare, sign, and publish a notice in the form No. 1 set forth in the first schedule to this Act, or to the like effect, by causing the same to be placed on the door of the Town Hall, and in some conspicuous parts of the borough or ward for which any such election is to be held.

(2) At any such election every candidate shall be nominated in writing; the writing shall be subscribed by two enrolled burgesses of such borough or ward as proposer and seconder, and by eight other enrolled burgesses of such borough or ward as assenting to the nomination. Each candidate shall be nominated by a separate nomination paper, but the same burgesses, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more. Every person nominated shall be enrolled on the burgess roll of the borough, or a person whose name is inserted in the separate list at the end of the burgess roll, as provided by section three of the Act thirty-two and thirty-three Victoria, chapter fifty-five, and shall be otherwise qualified to be elected. The nomination paper shall state the surname and other names of the person nominated, with his place of abode and description, and shall be in the form No. 2 set forth in the first schedule to this Act, or to the like effect. And the town clerk shall provide nomination papers, and shall supply any enrolled burgess with as many nomination papers as may be required, and shall, at the request of any such person, fill up a nomination paper in manner prescribed by this Act.

(3) Every nomination paper subscribed as aforesaid shall be delivered by the candidate himself, or his proposer or seconder, to the town clerk, seven days at least before the day of election, and before five o'clock in the afternoon of the last day on which any such nomination paper may by law be delivered; the town clerk shall forthwith send notice of such nomination to each person nominated. The mayor shall attend at the Town Hall on the day next after the last day for the delivery of nominations to the town clerk between the hours of two and four in the afternoon, and shall decide on the validity of every objection made to a nomination paper, such objection to be made in writing. The candidate nominated by each nomination paper, and one other person, appointed by or on behalf of the candidate as hereinafter mentioned, and no person, other than aforesaid, shall, except for the purpose of assisting the mayor, be entitled to attend such proceedings, and each candidate and the person appointed by him shall, during the time appointed for the attendance of the mayor for the purposes of this section have respectively power to object to the nomination paper of every person nominated at the same election. The decision of the mayor, which shall be given in writing, shall, if disallowing any objection to a nomination paper, be final, but if allowing the same shall be subject to reversal on petition questioning the election or return. The appointment by or on behalf of candidates of persons as aforesaid shall be made in writing under the hand of the candidate, or, in case he is absent from the United Kingdom,

then under the hand of his proposer or seconder, and shall be delivered to the town clerk before five o'clock in the afternoon of the last day on which nomination papers may by law be delivered.

The town clerk shall at least four days before the day of election cause the surnames and other names of all persons duly nominated, with their respective places of abode and descriptions, and the names of the persons subscribing their respective nomination papers as proposers and seconds, to be printed and placed on the door of the Town Hall, and in some conspicuous parts of the borough or ward for which such election is to be held.

(4) Section eight of the Act of twenty-second Victoria, chapter thirty-five, so far as the same is now in force, shall apply to nominations of councillors, auditors, and assessors, duly made and allowed under this Act.

Section three of the Ballot Act, 1872, shall apply to nomination papers under this Act, and so applied, the word "returning officer" shall be taken to include town clerk in reference to the delivery of such nomination papers.

2. *Candidates out of United Kingdom ineligible.*] The nomination of a person who is absent from the United Kingdom shall be void, unless his written consent given within one month of the day of his nomination before two witnesses be produced at the time of his nomination.

3. *Mayor to appoint officers for taking the poll.*] At any municipal election of councillors, auditors, or assessors, the power and duty of the mayor, under section twenty of the Ballot Act of 1872, to provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, shall (save as to the appointment of the alderman as returning officer for any ward) extend to the appointment of officers for taking the poll and counting the votes recorded at such election.

4. *Amendment of law.*] The provisions contained in rules 16 and 19 of the first schedule to the Ballot Act, 1872, shall not apply to any such election, but the mayor shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation, and furnish each presiding officer with such number of ballot papers, as in the judgment of the mayor shall be necessary for effectually taking the poll at such election in other respects in the manner provided by the Ballot Act, 1872. Where more candidates are nominated than there are vacancies to be supplied the mayor shall, at least four days before the day of election, give such public notice as may be required by law of the situation, division, and allotment of polling places for taking the poll at any municipal election, and of the description of persons entitled to vote thereat and at the several polling stations.

5. *Conclusiveness of burgess roll.*] At any municipal election a person shall not be entitled to sign or subscribe any nomination paper, or to vote, unless his name is on the burgess roll for the time being in force in the borough, or on the ward list for the time being in force for the ward, for which such election shall be held; and every person whose name is on such burgess roll or ward list, as the case may be, shall be entitled to sign or subscribe any nomination paper, and to demand and receive a ballot paper, and to vote; provided that nothing in this section shall entitle any person to do any of the acts aforesaid who is prohibited from doing such acts or any of them by law, or relieve such person from any penalties to which he may be liable for doing any such act.

6. *One poll to be taken for auditors and assessors.*] At the poll at any election of auditors and assessors one ballot paper only shall be used by any person voting. In such ballot paper the names of the candidates for the respective offices shall be separate, and distinguished so as to show the offices for which they are respectively candidates, and the ballot paper shall be in the form No. 3 set forth in the first schedule to this Act or to the like effect, and the provisions of the Ballot Act, 1872, shall at any such election be altered and varied accordingly; provided always that in counting the votes every such ballot paper shall be deemed to be a separate ballot paper in respect of each

office, and any objections thereto shall be considered and dealt with accordingly.

7. *Withdrawal of candidates.* Where more candidates are nominated at any municipal election than there are vacancies to be filled at such election, any of such candidates may withdraw from his candidature by notice signed by him and delivered to the town clerk not later than two o'clock in the afternoon of the day next after the last day for the delivery of nomination papers to the town clerk; provided that such notices shall take effect in the order in which they are delivered to the town clerk, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of the vacancies to be filled.

8. *Notices by mayor or town clerk may comprise the several wards of borough.* Any notice required by law to be given or published by the mayor or other returning officer or town clerk in connection with any municipal election may, as to auditors and assessors, be comprised in one notice, and with respect to the election of councillors in any borough divided into wards, may comprise the matter necessary to such notice for the several wards in the borough, and it shall not be necessary to issue a separate notice for each ward.

9. *Time of holding election on extraordinary vacancies.* Section eleven of the Act sixteenth and seventeenth Victoria, chapter seventy-nine, shall be read as if fourteen days were therein inserted instead of ten days, and the day for holding the election in the case of any extraordinary vacancy in the office of councillor, auditor, or assessor in any borough (whether such borough shall be divided into wards or not) shall be fixed by the mayor.

10. *Power to town council to divide wards into polling places as they may think fit.* The town council of any borough may by order divide any such borough or any ward or wards of such borough into polling districts in such manner as they may think most convenient for taking the votes of the burgesses at a poll, and the overseers shall, so far as practicable, make out the lists of burgesses in such manner as to divide the names in conformity with such polling districts.

11. *Computation of time under the Act.* In reckoning time for the purpose of this Act, Sunday, Christmas-day, Good Friday, and any day set apart for a public holiday, fast, or public thanksgiving, shall be excluded.

12. *Repeal of parts of Acts in second schedule.* The several Acts of Parliament mentioned in the second schedule to this Act shall be repealed to the extent specified in the third column of such schedule, but such repeal shall not affect the validity or invalidity of anything already done or suffered, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

13. *Act to be construed with Municipal Corporation Acts.* This Act shall, as far as consistent with the tenor thereof, be construed as one with the Act fifth and sixth William the Fourth, chapter seventy-six, and the Acts amending the same, and the Acts for the time being in force relating to elections of councillors, auditors, and assessors in boroughs.

14. *Short title.* This Act may for all purposes be cited as "The Municipal Elections Act, 1875."

15. *Duration of Act.* This Act shall continue in force for so long only as the Ballot Act, 1872, continues in force.

FIRST SCHEDULE.

FORM No. 1.

NOTICE.

Borough of . Election of [Councillors, or Auditors, or Assessors, as the case may be] for the [ward or several wards of the] borough.

Take Notice,

1. That an election of [here insert the number of Councillors, Auditors, or Assessors, as the case may be] for the [ward or several wards of the] said borough will be held on the day of .

2. Candidates must be nominated by writing, subscribed by two enrolled burgesses as proposer or seconder, and by eight other enrolled burgesses as assenting to the nomination.

3. Candidates must be duly qualified for the office to which they are nominated, and the nomination paper must state the surname and other names of the person nominated, with his place of abode and description, and may be in the following form, or to the like effect:

(Set out Form No. 2.)

4. Each candidate must be nominated by a separate nomination paper, but the same burgesses or any of them may subscribe as many nomination papers as there are vacancies to be filled for the borough [or ward], but no more.

5. Every person who forges a nomination paper, or delivers any nomination paper knowing the same to be forged, will be guilty of misdemeanour, and be liable to imprisonment for any term not exceeding six months, with or without hard labour.

6. Nomination papers must be delivered by the candidate himself, or his proposer or seconder, to the town clerk at his office before five o'clock in the afternoon of day the of next.

7. The mayor will attend at the Town Hall on day, the day of , from two to four o'clock in the afternoon, to hear and decide objections to nomination papers.

8. Forms of nomination papers may be obtained at the town clerk's office; and the town clerk will, at the request of any enrolled burgess, fill up a nomination paper.

Dated this day of , 18 .
A.B., Town Clerk.

FORM No. 2.

NOMINATION PAPER.

Borough of . Election of Councillors, Auditors, or Assessors for ward in the said borough [or the said borough], to be held on the day of , 18 .

We, the undersigned, being respectively enrolled burgesses, hereby nominate the following person as a candidate at the said election.

Surname.	Other Names.	Abode.	Description.

(Signed) A.B. of *
C.D. of *

We, the undersigned, being respectively enrolled burgesses, do hereby assent to the nomination of the above person as a candidate at the said election.

Dated this day of , 18 .
(Signed) E.F. of *
G.H. of *
I.J. of *
K.L. of *
M.N. of *
O.P. of *
Q.R. of *
S.T. of *

* The number on the burgess roll of the burgess subscribing, with the situation of the property in respect of which he is enrolled on the burgess roll.

FORM No. 3.

BALLOT PAPER.

FORM of Front of Ballot Papers. For Auditors.

Counterfoil. No.	CADER.
1	(John Cade, of 22, Wellclose-place, Accountant.)
2	JOHNSON. (Charles Johnson, of 7, Albion-street, Gentleman.)
3	THOMPSON. (William Thompson, of 14, Queen-street, Silversmith.)

Note.—The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.

For Revising Assessor.

1	BACON. (Charles Bacon, of 29, New-street, Solicitor.)	
2	BYRON. (James Byron, of 45, George-street, Commission Agent.)	
3	WILSON. (George Wilson, of 22, Hanover- square, Gentleman.)	

FORM of Back of Ballot Paper.

No. Election of Auditors [or Assessors] for the Borough
of , to be held on the day of
18 .

The number on the back of the ballot paper is to cor-
respond with that on the counterfoil.

SECOND SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4, c. 76.	An Act to provide for the regulation of Municipal Corpora- tions in England and Wales.	So much of section 47 as relates to the fix- ing of the day of election by the alderman.
22 Vict. c. 35.	The Municipal Cor- poration Act, 1859.	Sections 5, 6, 7, and schedules.
32 & 33 Vict. c. 55.	An Act to shorten the term of residence required as a quali- fication for the Municipal Franch- ise, and to make provision for other purposes.	Sections 6 and 7.
35 & 36 Vict. c. 33.	The Ballot Act, 1872.	Directions in the sche- dule to the Act as to the form of nomi- nation papers at Municipal Elec- tions.

CAP. XLI.

An Act for the relief of Widows and Children of Intes-
tates in Scotland where the personal estate is of small
value. [19th July, 1875.]

CAP. XLII.

An Act to enable certain Corporate Bodies to hold Land
for Glebes in Ireland. [19th July, 1875.]

CAP. XLIII.

An Act to amend the Medical Acts so far as relates to
the Royal College of Surgeons of England. [19th July, 1875.]

CAP. XLIV.

An Act to amend the Constabulary (Ireland) Act, 1874.
[19th July, 1875.]

CAP. XLV.

An Act to amend the Law with respect to the Reduc-
tion of the National Debt and the Charge for the
National Debt in the Consolidated Fund. [2nd August, 1875.]

CAP. XLVI.

An Act to amend an Act passed in the Session of Parlia-
ment held in the Thirtieth and Thirty-first years of
the Reign of her present Majesty, intituled "An Act
to afford further Facilities for the Erection of certain
Bridges in Ireland." [2nd August, 1875.]

CAP. XLVII.

An Act to amend the Law in regard to Constables and
Peace Officers in Scotland. [2nd August, 1875.]

CAP. XLVIII.

An Act to make further provision respecting the contri-
bution out of moneys provided by Parliament towards
the expenses of the Police Force in the Metropolitan
Police District, and elsewhere in Great Britain. [2nd August, 1875.]

CAP. XLIX.

An Act for facilitating the Improvement of the Dwell-
ings of the Working Classes in large Towns in Scot-
land. [2nd August, 1875.]

CAP. L.

An Act to amend the Acts relating to the County
Courts. [2nd August, 1875.]

Whereas it is desirable to amend the Acts relating to the
county courts :

Be it enacted, &c. :

1. *In respect of certain demands plaintiff may require de-
fendant to give notice of intention to defend, on pain of judg-
ment by default.*] In any action in a county court for a debt
or liquidated money demand, the plaintiff may, at his op-
tion, cause to be issued a summons in the ordinary form, or
(upon filing an affidavit to the effect set forth in the form in
schedule (A.) to this Act) a summons in the form or to the
effect given in schedule (B.) to this Act, and if such last-
mentioned summons be issued it shall be personally served
on the defendant, and if the defendant shall not within six-
teen days after service of the summons, inclusive of the
day of service, give notice in writing, signed by himself or
his attorney, to the registrar of the court from which the
summons issued, of his intention to defend, the plaintiff
may, after sixteen days and within two months from the day
of service, upon proof of its service, or of an order for leave
to proceed as if personal service had been effected, have
judgment entered up against the defendant for the amount
of his claim and costs, such costs to be taxed by the regi-
strar.

The order upon such judgment shall be for payment
forthwith, or at such time or times, and by such instal-
ments, if any, as the plaintiff, or his attorney, shall in
writing have consented to take at the time of the entry of
the plaint or of the judgment.

Where the defendant shall have given notice of defence,
the registrar shall, immediately upon the receipt of such
notice, send a letter to the plaintiff or his attorney by post,
stating therein that the defendant has given notice of his
intention to defend, and shall send by post, to both plaintiff
and defendant, notice of the day upon which he shall have
fixed that the trial shall take place, at least six clear days
before the day so fixed.

Where the defendant shall neglect to give such notice
of defence, the judge or registrar shall, upon an affidavit
disclosing a defence upon the merits, and satisfactorily ex-
plaining his neglect, let in the defendant to defend, upon
such terms as he may think just.

Where personal service cannot be effected, and the judge
or registrar is satisfied by affidavit that reasonable efforts
have been made to effect such service, and either that the
summons has come to the knowledge of the defendant, or
that he wilfully evades service of the same, it shall be
lawful for the judge or registrar to order that the plaintiff
be at liberty to proceed as if personal service had been
effected, subject to such conditions as to the judge or regi-
strar may seem fit.

Provided always, that no other summons than a summons
in the ordinary form shall, without leave of the judge or
registrar, be issued where the amount claimed shall not ex-
ceed five pounds, unless the action is for the price, value, or
hire of goods which, or some part of which, were sold and
delivered or let on hire to the defendant to be used or dealt
with in the way of his trade, profession, or calling, and the
leave of the judge or registrar shall be given in accordance
with regulations to be prescribed by rules of court.

2. *Summonses to witnesses.*] Either of the parties to an
action or any other proceeding may obtain of the registrar

of the court summonses to witnesses, with or without a clause requiring the production of books, deeds, papers, and writings in the possession or control of the person summoned as a witness; and such summonses, and any summonses which are now or may be required to be served personally, may, under such regulations as may be prescribed by rules of court, be served by a bailiff of the court or otherwise.

3. *How services of summonses by a bailiff may be proved.* Where any summons or other process of the court is served by a bailiff of any county court, the service may be proved by indorsement on a copy of the summons or process under the hand of such bailiff, showing the fact and mode of the service of such summons or process; and any such bailiff wilfully and corruptly indorsing any false statement on the copy of a summons or other process shall be guilty of a misdemeanour, and on conviction thereof shall be removed from his office or employment, and shall incur the same penalties as are or may be incurred by persons convicted of wilful and corrupt perjury.

4. *Judge may do certain things within or without his circuit.* A judge of county courts shall, whether within the district of any of his courts or not, have jurisdiction to make any order, or exercise, on an ex parte application, any authority or jurisdiction in any action or proceeding pending in any of the courts of which he is judge, which, if the same related to an action or proceeding pending in one of her Majesty's superior courts, might be given, made, or exercised by a judge of such last-mentioned courts in chambers, and, with the consent of both parties to an action or proceeding, to hear and decide any matter at any place, either within or without any such district.

5. *As to appointment of assessors.* In any action or proceeding it shall be lawful for the judge, if he think fit, on the application of either party, to summon to his assistance, in such manner as may be prescribed by rules of court, one or more persons of skill and experience in the matter to which the action or proceeding relates, who may be willing to sit with the judge and act as assessors; and their remuneration for so sitting shall be at such rate as may be prescribed by rules of court, and shall be costs in the cause or proceeding, unless otherwise ordered by the judge; but where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by either party in manner to be prescribed by rules of court.

6. *Appeal may be made within eight days without stating special case.* In any cause, suit, or proceeding, other than a proceeding in bankruptcy, tried or heard in any county court, and in which any person aggrieved has a right of appeal, it shall be lawful for any person aggrieved by the ruling, order, direction, or decision of the judge, at any time within eight days after the same shall have been made or given, to appeal against such ruling, order, direction, or decision by motion to the court to which such appeal lies, instead of by special case, such motion to be ex parte in the first instance, and to be granted on such terms as to costs, security, or stay of proceedings as to the court to which such motion shall be made shall seem fit. And if the court to which such appeal lies be not then sitting, such motion may be made before any judge of a superior court sitting in chambers. And at the trial or hearing of any such cause, suit, or proceeding, the judge, at the request of either party, shall make a note of any question of law raised at such trial or hearing, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision of the cause, suit, or proceeding, and he shall, at the expense of any person or persons, being party or parties in any such cause, suit, or proceeding, requiring the same for the purpose of appeal, furnish a copy of such note, or allow a copy to be taken of the same by or on behalf of such person or persons, and he shall sign such copy, and the copy so signed shall be used and received on such motion and at the hearing of such appeal.

7. *Remuneration of officers under this and other Acts passed or to be passed.* The Treasury shall direct whether any and what remuneration shall be allowed to any person performing any duties under this Act, or under any Act passed heretofore or to be passed, where by such Act no remuneration is or shall be given for the performance of duties by officers of the courts; and such remuneration shall be paid out of the fees which the Treasury, with the consent of the Lord Chancellor, is empowered by section seventy-nine of

the County Courts Act, 1856, to order to be taken on proceedings which were then authorized or might thereafter be authorized to be taken in the county courts.

This section shall not apply to the City of London Court.

8. *Scale of costs to be framed by the judges.* The judges of county courts appointed or to be appointed by the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts and forms of proceeding therein under the thirty-second section of the County Courts Act, 1856, shall be empowered to frame a scale of costs and charges to be paid to counsel and attorneys with respect to all proceedings which are now, or shall hereafter be, authorized to be taken in such courts, and from time to time to amend such scale; and such scale or amended scale, certified under the hands of such judges, or any three or more of them, shall be submitted to the Lord Chancellor, who from time to time may allow or disallow or alter the same, and the scale or amended scale, so allowed or altered, shall, from a day to be named by the Lord Chancellor, be in force in every county court.

9. *Appointment of high bailiff as registrar to vacate high bailiffship.* The appointment of a high bailiff of a county court as registrar of a county court shall vacate the office of high bailiff held by such appointee.

10. *As to appeals to the Queen in Council in admiralty causes.* There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from the county court when such decree or order affirms the judgment of the county court, except by express permission of the judge of the High Court of Admiralty. When upon an appeal the High Court of Admiralty alters the judgment of the county court no leave to appeal to her Majesty in Council shall be necessary.

11. *In what cases assessors shall be summoned.* Where an admiralty cause has been heard in the county court with the assistance of nautical assessors, Elder Brethren of the Trinity House shall be summoned to assist on the hearing of an appeal by the High Court of Admiralty if either party shall require the same, and the judge of the High Court shall be of opinion that the assistance of the Elder Brethren is necessary or desirable.

12. *Enactments in schedule (C.) repealed.* The several enactments specified in schedule (C.) to this Act are hereby repealed to the extent mentioned in the third column of the said schedule; but this repeal shall not affect the course of any proceeding taken before such repeal.

13. *This Act and other County Courts Acts to be construed together.* This Act and the County Courts Act, 1846, and the several Acts altering or amending the same, shall be construed together as one Act, and this Act may be cited as the County Courts Act, 1875.

14. *Commencement of Act.* This Act shall come into operation on the second day of November next after the passing hereof.

SCHEDULE (A.).

Affidavit.

I, A.B., of &c., make oath and say, that C.D., of [address, occupation, and description] is indebted to me in the sum of for [add, where the action is brought for a demand not exceeding five pounds, and I further say that the were sold and delivered [or let on hire] to the said C.D. to be used or dealt with in the way of his trade [or profession or calling] of a
Sworn at, &c. A.B.

NOTE.—[When affidavit is made by a clerk after the form accordingly, and add the following: That I am a person in the employ of A.B., and that I am duly authorized by him to make this affidavit, and that it is within my own knowledge that the aforesaid debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.]

SCHEDULE (B.).

Summons to obtain Judgment by default on Personal Service.

No. [of plaint].

In the [title of court issuing summons].

[Seal.]

Between A.B. [address and description], Plaintiff,
and
C.D. [address and description], Defendant.

TAKE NOTICE, That, unless within sixteen days after the personal service of this summons on you, inclusive of the day of such service, you return to the registrar of this court at [place of office] the notice given below, dated and signed by yourself or your attorney, you will not afterwards be allowed to make any defence to the claim which the plaintiff makes on you, as per margin, the particulars of which are hereunto annexed; but the plaintiff may, without giving any further proof in support of such claim than the affidavit filed in court herein, proceed to judgment and execution. If you return such notice to the registrar within the time specified, the registrar will send you by post notice of the day upon which the action will be tried.

Claim	£	s.	d.
Fee for plaintiff
Attorney's costs (where payable)
Total amount of debt and costs

Dated this day of , 18 .
Registrar of the Court.

To the defendant. *See below.*

[Notice of intention to defend or object to the Jurisdiction of the Court.]

No. [of plaint].

In the [title of court],

A. B. v. C. D.

I intend to defend this cause [or to object to the jurisdiction of the court].

Dated this day of , 18 .
(*) Defendant.

[To be indorsed on the summons.]

(*) Here must be signed the name of defendant or of his attorney, and in the last case the words "attorney for" must be added.

If you pay the debt and costs, as per margin on the other side, into the registrar's office, within sixteen days after the service of this summons, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will *save half the hearing fee*, and the order upon such judgment will be to pay the debt and costs forthwith [or by instalments, to be specified as in plaintiff's written consent].

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the plaintiff at the trial shall prove a claim against you exceeding the sum so paid.

If you intend to dispute the plaintiff's claim on any of the following grounds,—

1. That the plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the plaintiff's claim under a Bankrupt or Insolvent Act;

you must, in addition to the notice of intention to defend, give to the registrar notice of such special defence; and such last-mentioned notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are plaintiffs, and an additional copy for the use of the court. If your defence be a set-off, you must, with the notice thereof, also deliver to the registrar a statement of the particulars thereof. If your defence be a tender, you must pay into court, before or at the trial, the amount tendered.

If you give such notice of intention to defend within the time specified, you may, if the debt exceeds five pounds, have the case tried by a jury, on giving notice in writing at the registrar's office three clear days before the trial, and on payment of five shillings for the use of such jury.

SCHEDULE (C).

Reference to Act.	Title of Act.	Extent of Repeal.
9 & 10 Vict. c. 95.	An Act for the more easy recovery of small debts and demands in England.	So much of sections sixty-two as requires the service of a summons or other process to be proved by affidavit, and the whole of sections eighty-five and one hundred and three.
19 & 20 Vict. c. 108.	An Act to amend the Acts relating to county courts.	The whole of the sections numbered respectively twenty-eight and twenty-nine.
29 & 30 Vict. c. 4.	An Act for the abolition of the offices of treasurer and of high bailiffs of county courts as vacancies shall occur, and to provide for the payment of future registrars of county courts.	The whole of sections six and seven.
30 & 31 Vict. c. 142.	An Act to amend the Acts relating to the jurisdiction of the county courts.	The whole of sections two and thirty-two.
31 & 32 Vict. c. 71.	An Act for conferring Admiralty jurisdiction on the county courts.	The whole of section twenty-nine.

CAP. LI.

An Act to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of her present Majesty, chapter nineteen, intituled "An Act for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean."

[2nd August, 1875.]

CAP. LII.

An Act to provide for the completion of the distribution of the sums of money paid to her Majesty by the United States of America on account of Awards made by the Commissioners acting under a certain Treaty between her Majesty and the United States of America. [2nd August. 1874.]

[2nd August, 1875.

CAP. LIII.

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright.

[2nd August, 1872.]

CAP. LIV.

An Act to amend the Qualification required by Persons acting as Justices of the Peace. [2nd August, 1875.]

[2nd August, 1875.

Whereas an Act was passed in the eighteenth year of his late Majesty King George the Second, intituled 'An Act to amend and render more effectual an Act passed in the fifth year of his present Majesty's reign, intituled 'An Act for the further Qualification of Justices of the Peace,' and it is expedient to amend the same:

Be it enacted, &c. :

1. *Qualification for a justice of the peace.*] Notwithstanding the said Act or anything therein contained, every person of full age and who has during the two years immediately preceding his appointment been the occupier of a dwelling-house assessed to the inhabited house duty at the value of not less than one hundred pounds within any county, riding, or division, in England or Wales, and who

during that time have been rated to all rates and taxes in respect of the said premises, and who is otherwise eligible, shall be deemed to be qualified to be appointed a justice of the peace for such county, riding, or division.

Provided always, that no justice appointed in respect of the qualification in this section mentioned shall continue to act as a justice of the peace for any county, riding, or division after he shall have ceased for twelve calendar months to have within such county, riding, or division such qualification.

2. *As to enactments respecting qualification.* The enactments concerning the description of property qualification and other provisions and penalties having reference to the qualifications now required by law shall be applicable with reference to the qualifications required by this Act.

CAP. LV.

An Act for consolidating and amending the Acts relating to Public Health in England. [11th August, 1875.]

CAP. LVI.

An Act to enable Grand Juries in Ireland to grant Superannuation Allowances to County Surveyors in certain cases. [11th August, 1875.]

CAP. LVII.

An Act to institute a Pharmaceutical Society, and to regulate the Qualifications of Pharmaceutical Chemists and of Chemists and Druggists, in Ireland. [11th August, 1875.]

CAP. LVIII.

An Act to authorize Advances to the Public Works Loan Commissioners for enabling them to make Loans under divers Acts authorizing such Loans. [11th August, 1875.]

CAP. LIX.

An Act to amend the Public Records (Ireland) Act, 1867, and to make provision for keeping safely Parochial Records in Ireland. [11th August, 1875.]

CAP. LX.

An Act to consolidate and amend the Law relating to Friendly and other Societies. [11th August, 1875.]

CAP. LXI.

An Act to further amend the Law of Entail in Scotland. [11th August, 1875.]

CAP. LXII.

An Act to alter and amend the Law relating to Appeals in Summary Prosecutions before Inferior Judges in Scotland. [11th August, 1875.]

CAP. LXIII.

An Act to repeal the Adulteration of Food Acts, and to make better provision for the Sale of Food and Drugs in a pure state. [11th August, 1875.]

Whereas it is desirable that the Acts now in force relating to the adulteration of food should be repealed, and that the law regarding the sale of food and drugs in a pure and genuine condition should be amended:

Be it enacted, &c.:

1. *Repeal of statutes.* From the commencement of this Act the statutes of the twenty-third and twenty-fourth of Victoria, chapter eighty-four, of the thirty-first and thirty-second of Victoria, chapter one hundred and twenty-one, section twenty-four, of the thirty-third and thirty-fourth of Victoria, chapter twenty-six, section three, and of the thirty-fifth and thirty-sixth of Victoria, chapter seventy-four, shall be repealed, except in regard to any appointment made under them and not then determined, and in regard to any offence committed against them or any prosecution or other act commenced and not concluded or completed, and any payment of money then due in respect of any provision thereof.

2. *Interpretation of words.* The term "food" shall include every article used for food or drink by man, other than drugs or water:

The term "drug" shall include medicine for internal or external use;

The term "county" shall include every county, riding, and division, as well as every county of a city or town not being a borough:

The term "justices" shall include any police and stipendiary magistrate invested with the powers of a justice of the peace in England, and any divisional justices in Ireland.

Description of Offence.

3. *Prohibition of the mixing of injurious ingredients, and of selling the same.* No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with the intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding fifty pounds for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanour, for which the person, on conviction, shall be imprisoned for a period not exceeding six months with hard labour.

4. *Prohibition of the mixing of drugs with injurious ingredients, and of selling the same.* No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence.

5. *Exemption in case of proof of absence of knowledge.* Provided that no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

6. *Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality.* No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds; provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,

- (1) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;
- (2) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;
- (3) Where the food or drug is compounded as in this Act mentioned;
- (4) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

7. *Provision for the sale of compounded articles of food and compounded drugs.* No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding twenty pounds.

8. *Protection from offences by giving of label.* Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of

delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

F. 9. Prohibition of the abstraction of any part of an article of food before sale, and selling without notice.] No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

Appointment and Duties of Analysts, and Proceedings to obtain Analysis.

10. Appointment of analysts.] In the City of London and the liberties thereof the Commissioners of Sewers of the City of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, or having under any general or local Act of Parliament or otherwise a separate police establishment, may, as soon as convenient after the passing of this Act, where no appointment has been hitherto made, and in all cases as and when vacancies in the office occur, or when required so to do by the Local Government Board, shall, for their respective city, districts, counties, or boroughs, appoint one or more persons possessing competent knowledge, skill, and experience, as analysts of all articles of food and drugs sold within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such remuneration as shall be mutually agreed upon, and may remove him or them as they shall deem proper; but such appointments and removals shall at all times be subject to the approval of the Local Government Board, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely or with modifications as to the period of the appointment and removal, or otherwise: Provided, that no person shall hereafter be appointed an analyst for any place under this section who shall be engaged directly or indirectly in any trade or business connected with the sale of food or drugs in such place.

In Scotland the like powers shall be conferred and the like duties shall be imposed upon the commissioners of supply at their ordinary meetings for counties, and the commissioners or boards of police, or where there are no such commissioners or boards, upon the town councils for boroughs within their several jurisdictions; provided that one of her Majesty's principal Secretaries of State in Scotland shall be substituted for the Local Government Board of England.

In Ireland the like powers and duties shall be conferred and imposed respectively upon the grand jury of every county and town council of every borough; provided that the Local Government Board of Ireland shall be substituted for the Local Government Board of England.

11. Town council of a borough may engage the analyst of another borough or of the county.] The town council of any borough may agree that the analyst appointed by any neighbouring borough, or for the county in which the borough is situated, shall act for their borough during such time as the said council shall think proper, and shall make due provision for the payment of his remuneration, and if such analyst shall consent, he shall during such time be the analyst for such borough for the purpose of this Act.

12. Power to purchaser of an article of food to have it analyzed.] Any purchaser of an article of food or of a drug in any place being a district, county, city, or borough where there is any analyst appointed under this or any Act hereby repealed shall be entitled, on payment to such analyst of a sum not exceeding ten shillings and sixpence, or if there be no such analyst then acting for such place, to the analyst of another place, of such sum as may be agreed upon between such person and the analyst, to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis.

13. Officer named to obtain a sample of food or drug to submit to analyst.] Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any

inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analyzed by the analyst of the district or place in which he acts, or if there be no such analyst then acting for such place to the analyst of another place, and such analyst shall, upon receiving payment as is provided in the last section, with all convenient speed analyze the same and give a certificate to such officer, wherein he shall specify the result of the analysis.

14. Provision for dealing with the sample when purchased.] The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analyzed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analyzed, to the analyst.

15. Provision when sample is not divided.] If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate, to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

16. Provision for sending article to the analyst through the post-office.] If the analyst do not reside within two miles of the residence of the person requiring the article to be analyzed, such article may be forwarded to the analyst through the post-office as a registered letter, subject to any regulations which the Postmaster General may make in reference to the carrying and delivery of such article, and the charge for the postage of such article shall be deemed one of the charges of this Act or of the prosecution, as the case may be.

17. Person refusing to sell any article to any officer liable to penalty.] If any such officer, inspector, or constable as above described, shall apply to purchase any article of food or any drug exposed to sale, or on sale by retail on any premises or in any shop or stores, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably required, and the person exposing the same for sale shall refuse to sell the same to such officer, inspector, or constable, such person shall be liable to a penalty not exceeding ten pounds.

18. Form of the certificate.] The certificate of the analyst shall be in the form set forth in the schedule hereto, or in the like effect.

19. Quarterly report of the analyst.] Every analyst appointed under any Act hereby repealed or this Act shall report quarterly to the authority appointing him the number of articles analyzed by him under this Act during the foregoing quarter, and shall specify the result of each analysis and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the authority appointing such analyst, and every such authority shall annually transmit to the Local Government Board, at such time and in such form as the Board shall direct, a certified copy of such quarterly report.

Proceedings against Offenders.

20. Proceedings against offenders.] When the analyst having analyzed any article shall have given a certificate of the result, from which it may appear that an offence against some one of the provisions of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the penalty hereby imposed for such offence, before any justices in petty sessions assembled having jurisdiction in the place where

the article or drug sold was actually delivered to the purchaser, in a summary manner.

Every penalty imposed by this Act shall be recovered in England in the manner prescribed by the eleventh and twelfth of Victoria, chapter forty-three. In Ireland such penalties and proceedings shall be recoverable, and may be taken with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district; and with respect to other parts of Ireland, before the justice or justices of the peace sitting in petty sessions, subject and according to the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

Every penalty herein imposed may be reduced or mitigated according to the judgment of the justices.

21. *Certificate of analyst prima facie evidence for the prosecution, but analyst to be called if required.* Defendant and his wife may be examined.] At the hearing of the information in such proceeding the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced, and the defendant may, if he think fit, tender himself and his wife to be examined on his behalf, and he or she shall, if he so desire, be examined accordingly.

22. *Power to justices to have articles of food and drug analyzed.* The justices before whom any complaint may be made, or the court before whom any appeal may be heard, under this Act may, upon the request of either party, in their discretion cause any article of food or drug to be sent to the Commissioners of Inland Revenue, who shall thereupon direct the chemical officers of their department at Somerset House to make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct.

23. *Appeal to quarter sessions.* Any person who has been convicted of any offence punishable by any Act hereby repealed or by this Act by any justices may appeal in England to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognizance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance; and the court at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

In Ireland any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the conviction shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the conviction shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town when the conviction shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within ten days from the date of any such conviction, in which case, if the appellant sees fit, the appeal may be made to the next succeeding sessions to be held for such division or town), and it shall be lawful for such court of quarter sessions or recorder (as the case may be) to decide such appeal, if made in such form and manner and with such notices as are required by the said Petty Sessions Acts respectively hereinbefore mentioned as to appeals against orders made by justices at petty sessions, and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal made under this Act.

24. *In any prosecution defendant to prove that he is protected by exception or provision.* In any prosecution under this Act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

25. *Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty.* No costs except on issues proved against him.] If the defendant in any prosecution under this Act prove to the satisfaction of the justices or court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely on the above defence.

26. *Application of penalties.* Every penalty imposed and recovered under this Act shall be paid in the case of a prosecution by any officer, inspector, or constable of the authority who shall have appointed an analyst or agreed to the acting of an analyst within their district, to such officer, inspector, or constable, and shall be by him paid to the authority for whom he acts, and be applied towards the expenses of executing this Act, any statute to the contrary notwithstanding; but in the case of any other prosecution the same shall be paid and applied in England according to the law regulating the application of penalties for offences punishable in a summary manner, and in Ireland in the manner directed by the Fines Act, Ireland, 1851, and the Acts amending the same.

27. *Punishment for forging certificate or warranty.* Any person who shall forge, or shall utter, knowing it to be forged for the purposes of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanour and be punishable on conviction by imprisonment for a term of not exceeding two years with hard labour;

For wilful misapplication of warranty. Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds;

For false warranty. Every person who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds;

For false label. And every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds.

28. *Proceedings by indictment and contracts not to be affected.* Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto.

Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug the subject of such conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

Expenses of executing the Act.

29. *Expenses of executing Act.*] The expenses of executing this Act shall be borne, in the City of London and the liberties thereof, by the consolidated rates raised by the Commissioners of Sewers of the City of London and the liberties thereof, and in the rest of the metropolis by any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and otherwise as regards England, in counties by the county rate, and in boroughs by the borough fund or rate;

And as regards Ireland, in counties by the grand jury cess, and in boroughs by the borough fund or rate; all such expenses payable in any county out of the grand jury cess shall be paid by the treasurer of such county; and

The grand jury of any such county shall, at any assizes at which it is proved that any such expenses have been incurred or paid without previous application to presentment sessions, present to be raised off and paid by such county the moneys required to defray the same.

Special provision as to Tea.

30. *Tea to be examined by the Customs on importation.*] From and after the first day of January, one thousand eight hundred and seventy-six, all tea imported as merchandise into and landed at any port in Great Britain or Ireland shall be subject to examination by persons to be appointed by the Commissioners of Customs, subject to the approval of the Treasury, for the inspection and analysis thereof, for which purpose samples may, when deemed necessary by such inspectors, be taken and with all convenient speed be examined by the analysts to be so appointed; and if upon such analysis the same shall be found to be mixed with other substances or exhausted tea, the same shall not be delivered unless with the sanction of the said commissioners, and on such terms and conditions as they shall see fit to direct, either for home consumption or for use as ship's stores or for exportation; but if on such inspection and analysis it shall appear that such tea is in the opinion of the analyst unfit for human food, the same shall be forfeited and destroyed or otherwise disposed of in such manner as the said commissioners may direct.

31. *Interpretation of Act.*] Tea to which the term "exhausted" is applied in this Act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

32. *Provision for the liberty of a cinque port.*] For the purposes of this Act every liberty of a cinque port not comprised within the jurisdiction of a borough shall be part of the county in which it is situated, and subject to the jurisdiction of the justices of such county.

33. *Application of the Act to Scotland.*] In the application of this Act to Scotland the following provisions shall have effect:

- (1) The term "misdemeanour" shall mean "a crime or offence:"
- (2) The term "defendant" shall mean "defender" and include "respondent:"
- (3) The term "information" shall include "complaint:"
- (4) This Act shall be read and construed as if for the term "justices," wherever it occurs therein, the term "sheriff" were substituted:
- (5) The term "sheriff" shall include "sheriff substitute:"
- (6) The term "borough" shall mean any royal burgh and any burgh returning or contributing to return a member to Parliament:
- (7) The expenses of executing this Act shall be borne in Scotland, in counties, by the county general assessment, and in burghs, by the police assessment:
- (8) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "one of her Majesty's principal Secretaries of State" were substituted:
- (9) All penalties provided by this Act to be recovered in a summary manner shall be recovered before the sheriff of the county in the sheriff court, or at the

option of the person seeking to recover the same in the police-court, in any place where a sheriff officiates as a police magistrate under the provisions of the Summary Procedure Act, 1864, or of the Police Act in force for the time in any place in which a sheriff officiates as aforesaid, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs:

Every such penalty may be recovered at the instance of the procurator fiscal of the jurisdiction, or of the person who caused the analysis to be made from which it appeared that an offence had been committed against some one of the provisions of this Act:

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the county general assessment, or the police assessment of the burgh, as the sheriff shall direct:

(10) Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff:

(11) It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Acts amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

34. *Interpretation of terms in application of Act of Ireland.*] In the application of this Act to Ireland—

The term "borough" shall mean any borough subject to the Act of the session of the third and fourth years of the reign of her present Majesty, chapter one hundred and eight, intitled "An Act for the regulation of Municipal Corporations in Ireland:"

The term "county" shall include a county of a city and a county of a town not being a borough:

The term "assizes" shall, with respect to the county of Dublin, mean "presenting term:"

The term "treasurer of the county" shall include any person or persons or bank in any county performing duties analogous to those of the treasurer of the county in counties, and, with respect to the county of Dublin it shall mean the finance committee:

The term "police constable" shall mean, with respect to the police district of Dublin metropolis, constable of the Dublin Metropolitan Police, and with respect to any other part of Ireland, constable of the Royal Irish Constabulary.

35. *Commencement of Act.*] This Act shall commence on the first day of October, one thousand eight hundred and seventy-five.

36. *Title of the Act.*] This Act may be cited as "The Sale of Food and Drugs Act, 1875."

SCHEDULE.

FORM OF CERTIFICATE.

To *

I, the undersigned, public analyst for the do hereby certify that I received on the day of 18, from +, a sample of for analysis (which then weighed +) and have analyzed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine or,

I am of opinion that the said sample contained the parts

* Here insert the name of the person submitting the article for analysis.

+ Here insert the name of the person delivering the sample.

‡ When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled

as under, or the per-centages of foreign ingredients as under.

*Observations.**

As witness my hand this day of
A.B., at

* Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

CAP. LXIV.

An Act to repeal the Guarantee by Companies Act, 1867, and to make other provision in lieu thereof.

[11th August, 1875.]

CAP. LXV.

An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works, and for other purposes.

[11th August, 1875.]

CAP. LXVI.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

[11th August, 1875.]

CAP. LXVII.

An Act to amend the Laws relating to Private and District Lunatic Asylums in Ireland.

[2nd August, 1875.]

CAP. LXVIII.

An Act for making further Provision respecting the Department of Science and Art.

[11th August, 1875.]

Be it enacted, &c. :

1. *Power for department to take lands by grant or devise, and sell, &c.* Any lands or any interest therein may be granted or devised to and taken by the Department of Science and Art, for the purposes of their charter, or for any educational or public purposes, and may be held by them accordingly subject to the control of Parliament, and may be sold or disposed of by them when the trusts on which they hold the same are consistent with such sale or disposition: Provided that the Department of Science and Art, before accepting any such grant or devise, shall obtain the consent in writing of the Commissioners of the Treasury or any two of them to their so doing.

2. *Short title.* This Act may be cited as the Department of Science and Art Act, 1875.

CAP. LXIX.

An Act to consolidate and amend certain Laws relating to the Militia of the United Kingdom.

[11th August, 1875]

CAP. LXX.

An Act for further amending the Law relating to Chimney Sweepers.

[11th August, 1875.]

CAP. LXXI.

An Act to amend the Act of the twenty-ninth and thirtieth years of her Majesty, chapter one hundred and eleven, relating to the Ecclesiastical Commissioners for England.

[11th August, 1875.]

CAP. LXXII.

An Act to continue various expiring Laws.

[11th August, 1875.]

CAP. LXXIII.

An Act to amend the Law relating to the appointment of certain persons who entered the employment of the Home Government of India before the thirty-first day of December, one thousand eight hundred and seventy-four.

[11th August, 1875.]

CAP. LXXIV.

An Act to amend "The Public Health (Scotland) Act, 1867," and other Sanitary Acts, in respect of Loans for Sanitary Purposes.

[11th August, 1875.]

CAP. LXXV.

An Act to amend the Contagious Diseases (Animals) Act, 1869.

[11th August, 1875.]

CAP. LXXVI.

An Act to make provision for Returns relating to Ecclesiastical Fees; and for other purposes.

[11th August, 1875.]

CAP. LXXVII.

An Act to amend and extend the Supreme Court of Judicature Act, 1873.

[11th August, 1875.]

Whereas it is expedient to amend and extend the Supreme Court of Judicature Act, 1873:

Be it enacted, &c. :

1. *Short title, and construction with 36 & 37 Vict. c. 66.* This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Supreme Court of Judicature Act, 1873 (in this Act referred to as the principal Act), and together with the principal Act may be cited as the Supreme Court of Judicature Acts, 1873 and 1875, and this Act may be cited separately as the Supreme Court of Judicature Act, 1875.

2. *Commencement of Act.* This Act, except any provision thereof which is declared to take effect before the commencement of this Act, shall commence and come into operation on the first day of November, 1875.

Sections twenty, twenty-one, and fifty-five of the principal Act shall not commence or come into operation until the first day of November, 1876, and until the said sections come into operation an appeal may be brought to the House of Lords from any judgment or order of the Court of Appeal hereinafter mentioned in any case in which any appeal or error might now be brought to the House of Lords or to her Majesty in Council from a similar judgment, decree, or order of any court or judge whose jurisdiction is by the principal Act transferred to the High Court of Justice or the Court of Appeal, or in any case in which leave to appeal shall be given by the Court of Appeal.

3. *Explanation of 36 & 37 Vict. c. 36, s. 5, as to number of judges.* Whereas by section five of the principal Act it is provided as follows:—"That if at the commencement of this Act the number of puisne justices and junior barons who shall become judges of the said High Court shall exceed twelve in the whole, no new judge of the said High Court shall be appointed in the place of any such puisne justice or junior baron who shall die or resign while such whole number shall exceed twelve, it being intended that the permanent number of judges of the said High Court shall not exceed twenty-one;" and whereas, having regard to the state of business in the several courts whose jurisdiction is transferred by the principal Act to the High Court of Justice, it is expedient that the number of judges thereof should not at present be reduced: Be it enacted, that so much of the said section as is hereinbefore recited shall be repealed.

The Lord Chancellor shall not be deemed to be a permanent judge of that court, and the provisions of the said section relating to the appointment and style of the judges of the said High Court shall not apply to the Lord Chancellor.

4. *Constitution of Court of Appeal.*] Her Majesty's Court of Appeal, in this Act and in the principal Act referred to as the Court of Appeal, shall be constituted as follows: There shall be five ex-officio judges thereof, and also so many ordinary judges, not exceeding three at any one time, as her Majesty shall from time to time appoint.

The ex-officio judges shall be the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer.

The first ordinary judges of the said court shall be the present Lords Justices of Appeal in Chancery, and such one other person as her Majesty may be pleased to appoint by letters patent. Such appointment may be made either before or after the commencement of this Act, but if made before shall take effect at the commencement of this Act.

The ordinary judges of the Court of Appeal shall be styled Justices of Appeal.

The Lord Chancellor may by writing addressed to the president of any one or more of the following divisions of the High Court of Justice, that is to say, the Queen's Bench Division, the Common Pleas Division, the Exchequer Division, and the Probate, Divorce, and Admiralty Division, request the attendance at any time, except during the times of the spring or summer circuits, of an additional judge from such division or divisions (not being ex-officio judge or judges of the Court of Appeal) at the sittings of the Court of Appeal, and a judge, to be selected by the division from which his attendance is requested, shall attend accordingly.

Every additional judge, during the time that he attends the sittings of her Majesty's Court of Appeal, shall have all the jurisdiction and powers of a judge of the said Court of Appeal, but he shall not otherwise be deemed to be a judge of the said court, or to have ceased to be a judge of the division of the High Court of Justice to which he belongs.

Section fifty-four of the principal Act is hereby repealed, and instead thereof the following enactment shall take effect: No judge of the said Court of Appeal shall sit as a judge on the hearing of an appeal from any judgment or order made by himself, or made by any divisional court of the High Court of which he was and is a member.

Whenever the office of an ordinary judge of the Court of Appeal becomes vacant a new judge may be appointed thereto by her Majesty by letters patent.

5. *Tenure of office of judges, and oaths of office.* Judges not to sit in the House of Commons.] All the judges of the High Court of Justice, and of the Court of Appeal respectively, with the exception of the Lord Chancellor, shall hold their offices as such judges respectively during good behaviour, subject to a power of removal by her Majesty, on an address presented to her Majesty by both Houses of Parliament. No judge of either of the said courts shall be capable of being elected to or of sitting in the House of Commons. Every person appointed after the passing of this Act to be judge of either of the said courts (other than the Lord Chancellor), when he enters on the execution of his office, shall take, in the presence of the Lord Chancellor, the oath of allegiance, and judicial oath as defined by the Promissory Oaths Act, 1868. The oaths to be taken by the Lord Chancellor shall be the same as heretofore.

6. *Precedence of judges.*] The Lord Chancellor shall be president of the Court of Appeal; the other ex-officio judges of the Court of Appeal shall rank in the order of their present respective official precedence. The ordinary judges of the Court of Appeal, if not entitled to precedence as peers or privy councillors, shall rank according to the priority of their respective appointments as such judges.

The judges of the High Court of Justice who are not also judges of the Court of Appeal shall rank next after the judges of the Court of Appeal, and, among themselves (subject to the provisions in the principal Act contained as to existing judges), according to the priority of their respective appointments.

7. *Jurisdiction of Lords Justices in respect of lunatics.*] Any jurisdiction usually vested in the Lords Justices of Appeal in Chancery, or either of them, in relation to the persons and estates of idiots, lunatics, and persons of unsound mind, shall be exercised by such judge or judges of the High Court of Justice or Court of Appeal as may be entrusted by the sign manual of her Majesty or her successors

with the care and commitment of the custody of such persons and estates; and all enactments referring to the Lords Justices as so entrusted shall be construed as if such judge or judges so entrusted had been named therein instead of such Lords Justices: Provided that each of the persons who may at the commencement of the principal Act be Lords Justices of Appeal in Chancery shall, during such time as he continues to be a judge of the Court of Appeal, and is entrusted as aforesaid, retain the jurisdiction vested in him in relation to such persons and estates as aforesaid.

8. *Admiralty judges and registrar.*] Whereas by section eleven of the principal Act it is provided as follows: "Every existing judge who is by this Act made a judge of the High Court of Justice or an ordinary judge of the Court of Appeal shall, as to tenure of office, rank, title, salary, pension, patronage, and powers of appointment or diemissal, and all other privileges and disqualifications, remain in the same condition as if this Act had not passed; and, subject to the change effected in their jurisdiction and duties by or in pursuance of the provisions of this Act, each of the said existing judges shall be capable of performing and liable to perform all duties which he would have been capable of performing or liable to perform in pursuance of any Act of Parliament, law, or custom if this Act had not passed. No judge appointed before the passing of this Act shall be required to act under any commission of assize, Nisi Prius, oyer and terminer, or gaol delivery, unless he was so liable by usage or custom at the commencement of this Act:—"

And whereas the judge of the High Court of Admiralty is by the principal Act appointed a judge of the High Court of Justice:

And whereas such judge is, as to salary and pension, inferior in position to the other puisne judges of the superior courts of common law, but holds certain ecclesiastical and other offices in addition to the office of judge of the High Court of Admiralty:

And whereas it is expedient that such judge, if he be willing to relinquish such other offices, should be placed in the same position as to rank, salary, and pension as the other puisne judges of the superior courts of common law:

Be it enacted that—

If the existing judge of the High Court of Admiralty under his hand signifies to the Lord Chancellor in writing, before the commencement of the principal Act, that he is willing to relinquish such other offices as aforesaid, and does before the commencement of the principal Act resign all other offices and emolument held by him except the office of judge of the High Court of Admiralty, he shall, from and after the commencement of the principal Act, be entitled to the same rank, salary, and pension as if he had been appointed a judge of the High Court of Justice immediately on the commencement of the principal Act, with this addition, that, in reckoning service for the purpose of his pension, his service as a judge of the High Court of Admiralty shall be reckoned in the same manner as if the High Court of Justice had been established at the time of his accepting the office of judge of the High Court of Admiralty, and he had continued from such time to be a judge of the said High Court of Justice.

The present holder of the office of Registrar of her Majesty in Ecclesiastical and Admiralty causes, shall, as respects any appeals in which he would otherwise be concerned coming within the cognizance of the Court of Appeal, be deemed to be an officer attached to the Supreme Court; and the office, so far as respects the duties in relation to such appeals as aforesaid, shall be deemed to be a separate office within the meaning of section seventy-seven of the principal Act, and may be dealt with accordingly. He shall be entitled, in so far as he sustains any loss of emoluments by or in consequence of the principal Act or this Act to prefer a claim to the Treasury in the same manner as an officer paid out of fees whose emoluments are affected by the passing of the principal Act is entitled to do under section eighty of the principal Act.

Subject as aforesaid, the person who is at the time of the passing of this Act Registrar of her Majesty in Ecclesiastical and Admiralty Causes shall, notwithstanding anything in the principal Act or this Act, have the same rank and hold his office upon the same tenure and upon the same terms and conditions as heretofore; but it shall be lawful for her Majesty by Order in Council made upon the recommendation

tion of the Lord Chancellor, with the concurrence of the Treasury, to make, notwithstanding anything contained in any Act of Parliament, such arrangements with respect to the duties of the said last-mentioned office, either by abolition thereof or otherwise, as to her Majesty may seem expedient: Provided that such order shall not take effect during the continuance in such office of the said person so being registrar at the time of the passing of this Act, without his assent.

Every judge of the Probate, Divorce, and Admiralty Division of the said High Court of Justice appointed after the passing of this Act shall, so far as the state of business in the said division will admit, share with the judges mentioned in section thirty-seven of the principal Act the duty of holding sittings for trials by jury in London and Middlesex, and sittings under commissions of assize, oyer and terminer, and gaol delivery.

9. *London Court of Bankruptcy not to be transferred to High Court of Justice.* The London Court of Bankruptcy shall not be united or consolidated with the Supreme Court of Judicature, and the jurisdiction of that court shall not be transferred under the principal Act to the High Court of Justice, but shall continue the same in all respects as if such transfer had not been made by the principal Act, and the principal Act shall be construed as if such union, consolidation, and transfer had not been made: Provided that—

- (1) The office of Chief Judge in Bankruptcy shall be filled by such one of the judges of the High Court of Justice appointed since the passing of the Bankruptcy Act, 1869, or, with his consent, of such one of the judges appointed prior to the passing of the last-mentioned Act, as may be appointed by the Lord Chancellor to that office; and,
- (2) The appeal from the London Court of Bankruptcy shall lie to the Court of Appeal in accordance with the principal Act.

10. *Amendment of 36 & 37 Vict. c. 66, s. 24, as to rules of law upon certain points.* Whereas, by section twenty-five of the principal Act, after reciting that it is expedient to amend and declare the law to be thereafter administered in England as to the matters next thereafter mentioned, certain enactments are made with respect to the law, and it is expedient to amend the said section: Be it therefore enacted as follows:—

Sub-section one of clause twenty-five of the principal Act is hereby repealed, and instead thereof the following enactment shall take effect; (that is to say) in the administration by the court of the assets of any person who may die after the commencement of this Act, and whose estate may prove to be insufficient for the payment in full of his debts and liabilities, and in the winding up of any company under the Companies Acts, 1862 and 1867, whose assets may prove to be insufficient for the payment of its debts and liabilities and the costs of winding up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being under the law of bankruptcy with respect to the estates of persons adjudged bankrupt; and all persons who in any such case would be entitled to prove for and receive dividends out of the estate of any such deceased person, or out of the assets of any such company, may come in under the decree or order for the administration of such estate, or under the winding up of such company, and make such claims against the same as they may respectively be entitled to by virtue of this Act.

In sub-section seven of the said section the reference to the date of the passing of the principal Act shall be deemed to refer to the date of the commencement of the principal Act.

11. *Provision as to option for any plaintiff (subject to rules) to choose in what division he will sue—in substitution for 36 & 37 Vict. c. 66, s. 35.* Subject to any rules of court and to the provisions of the principal Act and this Act and to the power of transfer, every person by whom any cause or matter may be commenced in the said High Court of Justice shall assign such cause or matter to one of the divisions of the said High Court as he may think fit, by

marking the document by which the same is commenced with the name of such division, and giving notice thereof to the proper officer of the court: Provided that—

- (1) All interlocutory and other steps and proceedings in or before the said High Court in any cause or matter subsequent to the commencement thereof, shall be taken (subject to any rules of court and to the power of transfer) in the division of the said High Court to which such cause or matter is for the time being attached; and,
- (2) If any plaintiff or petitioner shall at any time assign his cause or matter to any division of the said High Court to which, according to the rules of court or the provisions of the principal Act or this Act, the same ought not to be assigned, the court, or any judge of such division, upon being informed thereof, may, on a summary application at any stage of the cause or matter, direct the same to be transferred to the division of the said court to which, according to such rules or provisions, the same ought to have been assigned, or he may, if he think it expedient so to do, retain the same in the division in which the same was commenced; and all steps and proceedings whatsoever taken by the plaintiff or petitioner or by any other party in any such cause or matter, and all orders made therein by the court or any judge thereof before any such transfer shall be valid and effectual to all intents and purposes in the same manner as if the same respectively had been taken and made in the proper division of the said court to which such cause or matter ought to have been assigned; and,
- (3) Subject to rules of court, a person commencing any cause or matter shall not assign the same to the Probate, Divorce, and Admiralty Division unless he would have been entitled to commence the same, in the Court of Probate, or in the Court for Divorce and Matrimonial Causes, or in the High Court of Admiralty, if this Act has not passed.

12. *Sittings of Court of Appeal.* Every appeal to the Court of Appeal shall, where the subject-matter of the appeal is a final order, decree, or judgment, be heard before not less than three judges of the said court sitting together, and shall, when the subject-matter of the appeal is an interlocutory order, decree, or judgment, be heard before not less than two judges of the said court sitting together.

Any doubt which may arise as to what decrees, orders, or judgments are final, and what are interlocutory, shall be determined by the Court of Appeal.

Subject to the provisions contained in this section the Court of Appeal may sit in two divisions at the same time.

13. *Amendment of section 60 of 36 & 37 Vict. c. 66, as to district registrars.* Whereas by section sixty of the principal Act it is provided that for the purpose of facilitating the prosecution in country districts of legal proceedings, it shall be lawful for her Majesty by Order in Council from time to time to direct that there shall be district registrars in such places as shall be in such order mentioned for districts to be thereby defined; and whereas it is expedient to amend the said section: Be it therefore enacted that—

Where any such order has been made, two persons may, if required, be appointed to perform the duties of district registrar in any district named in the order, and such persons shall be deemed to be joint district registrars, and shall perform the said duties in such manner as may from time to time be directed by the said order, or any Order in Council amending the same.

Moreover the registrar of any inferior court of record having jurisdiction in any part of any district defined by such order (other than a county court) shall, if appointed by her Majesty, be qualified to be a district registrar for the said district, or for any and such part thereof as may be directed by such order or any order amending the same.

Every district registrar shall be deemed to be an officer of the Supreme Court, and be subject accordingly to the jurisdiction of such court, and of the divisions thereof.

14. *Amendment of 36 & 37 Vict. c. 66, s. 87, as to oaths relating to attorneys.* Whereas under section eighty-seven of the principal Act, solicitors and attorneys will after the commencement of that Act be called solicitors of the Supreme Court: Be it therefore enacted that—

The Registrar of Attorneys and Solicitors in England shall be called the Registrar of Solicitors, and the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief

Justice of the Court of Common Pleas, and the Lord Chief Baron, or any two of them, may, from time to time, by regulation, adapt any enactments relating to attorneys, and any declaration, certificate, or form required under those enactments, to the solicitors of the Supreme Court under section eighty-seven of the principal Act.

15. *Appeal from inferior court of record.*] It shall be lawful for her Majesty from time to time, by Order in Council, to direct that the enactments relating to appeals from county courts shall apply to any other inferior court of record; and those enactments, subject to any exceptions, conditions, and limitations contained in the order, shall apply accordingly, as from the date mentioned in the order.

16. *Rules in first schedule in substitution for 36 & 37 Viet. c. 66, s. 69, and schedule.*] The rules of court in the first schedule to this Act shall come into operation at the commencement of this Act, and as to all matters to which they extend shall thenceforth regulate the proceedings in the High Court of Justice and Court of Appeal. But such rules of court, and also all such other rules of court (if any) as may be made after the passing and before the commencement of this Act under the authority of the next section, may be annulled or altered by the authority by which new rules of court may be made after the commencement of this Act.

17. *Provision as to making, &c., of rules of court before or after the commencement of the Act—in substitution for 36 & 37 Viet. c. 66, ss. 68, 69, 74, and schedule.*] Her Majesty may at any time after the passing and before the commencement of this Act by Order in Council, made upon the recommendation of the Lord Chancellor, and the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and the Lords Justices of Appeal in Chancery, or any five of them, and the other judges of the several courts intended to be united and consolidated by the principal Act as amended by this Act, or of a majority of such other judges, make any farther or additional rules of court for carrying the principal Act and this Act into effect, and in particular for all or any of the following matters, so far as they are not provided for by the rules in the first schedule to this Act; that is to say,

- (1) For regulating the sittings of the High Court of Justice and the Court of Appeal, and of any divisional or other courts thereof respectively, and of the judges of the said High Court sitting in chambers; and,
- (2) For regulating the pleading, practice, and procedure in the High Court of Justice and Court of Appeal; and,
- (3) Generally, for regulating any matters relating to the practice and procedure of the said courts respectively, or to the duties of the officers thereof, or of the Supreme Court, or to the costs of proceedings therein.

In substitution for 36 & 37 Viet. c. 66, s. 74.] From and after the commencement of this Act, the Supreme Court may at any time, with the concurrence of a majority of the judges thereof present at any meeting for that purpose held (of which majority the Lord Chancellor shall be one), alter and annul any rules of court for the time being in force, and have and exercise the same power of making rules of court as is by this section vested in her Majesty in Council on the recommendation of the said judges before the commencement of this Act.

All rules of court made in pursuance of this section shall be laid before each House of Parliament within such time and shall be subject to be annulled in such manner as is in this Act provided.

All rules of court made in pursuance of this section, if made before the commencement of this Act, shall from and after the commencement of this Act, and if made after the commencement of this Act shall from and after they come into operation, regulate all matters to which they extend, until annulled or altered in pursuance of this section.

The reference to certain judges in section twenty-seven of the principal Act shall be deemed to refer to the judges mentioned in this section as the judges on whose recommendation an Order in Council may be made.

18. *Provision as to rules of Probate, Divorce, and Admiralty Courts, being rules of the High Court—in substitution for 36 & 37 Viet. c. 66, s. 70.*] All rules and orders of court in force at the time of the commencement of this Act in the Court of Probate, the Court for Divorce and Matrimonial Causes, and

the Admiralty Court, or in relation to appeals from the Chief Judge in Bankruptcy, or from the Court of Appeal in Chancery in bankruptcy matters, except so far as they are expressly varied by the first schedule hereto or by rules of court made by Order in Council before the commencement of this Act, shall remain and be in force in the High Court of Justice and in the Court of Appeal respectively until they shall respectively be altered or annulled by any rules of court made after the commencement of this Act.

The present judge of the Probate Court and of the Court for Divorce and Matrimonial Causes shall retain, and the President for the time being of the Probate and Divorce Division of the High Court of Justice shall have, with regard to non-contentious or common form business in the Probate Court, the powers now conferred on the judge of the Probate Court by the thirtieth section of the twentieth and twenty-first years of Victoria, chapter seventy-seven, and the said judge shall retain, and the said president shall have, the powers as to the making of rules and regulations conferred by the fifty-third section of the twentieth and twenty-first years of Victoria, chapter eighty-five.

19. *Provision as to criminal procedure, subject to future rules, remaining unaltered—in substitution for 36 & 37 Viet. c. 66, s. 71.*] Subject to the first schedule hereto and any rules of court to be made under this Act, the practice and procedure in all criminal causes and matters whatsoever in the High Court of Justice and in the Court of Appeal respectively, including the practice and procedure with respect to crown cases reserved, shall be the same as the practice and procedure in similar causes and matters before the commencement of this Act.

20. *Provision as to Act not affecting rules of evidence or juries—in substitution for 36 & 37 Viet. c. 66, s. 72.*] Nothing in this Act or in the first schedule hereto, or in any rules of court to be made under this Act, save as far as relates to the power of the court for special reasons to allow depositions or affidavits to be read, shall affect the mode of giving evidence by the oral examination of witnesses in trials by jury, or the rules of evidence, or the law relating to jurymen or juries.

21. *Provision for saving of existing procedure of courts when not inconsistent with this Act or rules of court—in substitution for 36 & 37 Viet. c. 66, s. 73.*] Save as by the principal Act or this Act, or by any rules of court, may be otherwise provided, all forms and methods of procedure which at the commencement of this Act were in force in any of the courts whose jurisdiction is by the principal Act or this Act transferred to the said High Court and to the said Court of Appeal respectively, under or by virtue of any law, custom, general order, or rules whatsoever, and which are not inconsistent with the principal Act or this Act or with any rules of court, may continue to be used and practised, in the said High Court of Justice and the said Court of Appeal respectively, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable in the respective courts of which the jurisdiction is so transferred, if the principal Act and this Act had not passed.

22. *Nothing in principal Act to prejudice right to have issues submitted, &c.*] Whereas by section forty-six of the principal Act it is enacted that "any judge of the said High Court sitting in the exercise of its jurisdiction elsewhere than in a divisional court may reserve any case, or any point in a case, for the consideration of a divisional court, or may direct any case or point in a case to be argued before a divisional court:" Be it hereby enacted, that nothing in the said Act, nor in any rule or order made under the powers thereof or of this Act, shall take away or prejudice the right of any party to any action to have the issues for trial by jury submitted and left by the judge to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law, and as to the evidence applicable to such issues:

Provided also, that the said right may be enforced either by motion in the High Court of Justice or by motion in the Court of Appeal founded upon an exception entered upon or annexed to the record.

23. *Regulation of circuits.*] Her Majesty may at any time after the passing of this Act, and from time to time, by Order in Council, provide in such manner and subject to such regulations as to her Majesty may seem meet, for all or any of the following matters:

- (1) For the discontinuance, either temporarily or permanently, wholly or partially, of any existing circuit, and the formation of any new circuit by the union of any counties or parts of counties, or partly in one way and partly in the other, or by the constitution of any county or part of a county to be a circuit by itself; and in particular for the issue of commissions for the discharge of civil and criminal business in the county of Surrey to the judges appointed to sit for the trial by jury of causes and issues in Middlesex or London or any of them; and,
- (2) For the appointment of the place or places at which assizes are to be holden on any circuit; and,
- (3) For altering by such authority and in such manner as may be specified in the order, the day appointed for holding the assizes at any place on any circuit in any case, where, by reason of the pressure of business or other unforeseen cause, it is expedient to alter the same; and,
- (4) For the regulation, so far as may be necessary for carrying into effect any order under this section, of the venue in all cases, civil and criminal, triable on any circuit or elsewhere.

Her Majesty may from time to time, by Order in Council, alter, add to, or amend any Order in Council made in pursuance of this section; and in making any order under this section may give any directions which it appears to her Majesty to be desirable to give for the purpose of giving full effect to such order.

Provided that every Order in Council made under this section shall be laid before each House of Parliament within such time, and shall be subject to be annulled in such manner as is in this Act provided.

Any Order in Council purporting to be made in pursuance of this section shall have the same effect in all respects as if it were enacted in this Act.

The power hereby given to her Majesty shall be deemed to be in addition to and not in derogation of any power already vested in her Majesty in respect of the matters aforesaid; and all enactments in relation to circuits, or the places at which assizes are to be holden, or otherwise in relation to the subject-matter of any order under this section, shall, so far as such enactments are inconsistent with such order, be repealed thereby, whether such repeal is thereby expressly made or not; but all enactments relating to the power of her Majesty to alter the circuits of the judges, or places at which assizes are to be holden, or the distribution of revising barristers among the circuits, or otherwise enabling or facilitating the carrying of the objects of this section into effect, and in force at the time of the passing of the principal Act, shall continue in force, and shall, with the necessary variations, if any, apply, so far as they are applicable, to any alterations in or dealings with circuits, or places at which assizes are to be holden, made or to be made after the passing of this Act; or to any other provisions of any order made under this section; and if any such order is made for the issue of commissions for the discharge of civil and criminal business in the county of Surrey as before mentioned in this section, that county shall for the purpose of the application of the said enactments be deemed to be a circuit, and the senior judge for the time being so commissioned, or such other judge as may be for the time being designated for that purpose by Order in Council, shall, in the month of July or August in every year, appoint the revising barristers for that county and the cities and boroughs therein.

The expression "assizes" shall in this section be construed to include sessions under any commission of oyer and terminer or gaol delivery, or any commission in lieu thereof issued under the principal Act.

24. *Additional power as to regulation of practice and procedure by rules of court.* Where any provisions in respect of the practice or procedure of any courts the jurisdiction of which is transferred by the principal Act or this Act to the High Court of Justice or the Court of Appeal, are contained in any Act of Parliament, rules of court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court of Justice and the Court of Appeal, without prejudice nevertheless to any power of the Lord Chancellor, with the concurrence of the Treasury, to make any rules with respect to the Paymaster General, or otherwise.

Any provisions relating to the payment, transfer, or

deposit into, or in, or out of any court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure.

The Lord Chancellor, with the concurrence of the Treasury, may from time to time, by order, determine to what accounts and how intitled any such money or property as last aforesaid, whether paid, transferred, or deposited before or after the commencement of this Act, is to be carried, and modify all or any forms relating to such accounts; and the Governor and Company of the Bank of England, and all other companies, bodies corporate, and persons, shall make such entries and alterations in their books as may be directed by the Lord Chancellor, with the concurrence of the Treasury, for the purpose of carrying into effect any such order.

25. *Orders and rules to be laid before Parliament, and may be annulled on address from either House.* Every Order in Council and rule of court required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to her Majesty by either House of Parliament, within the next subsequent forty days on which the said House shall have sat, praying that any such rule or order may be annulled, her Majesty may thereupon by Order in Council annul the same; and the rule or order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

This section shall come into operation immediately on the passing of this Act.

26. *Fixing and collection of fees in High Court and Court of Appeal.* The Lord Chancellor, with the advice and consent of the judges of the Supreme Court, or any three of them, and with the concurrence of the Treasury, may, either before or after the commencement of this Act, by order, fix the fees and per-centages (including the percentage on estates of lunatics) to be taken in the High Court of Justice or in the Court of Appeal, or in any court created by any commission, or in any office which is connected with any of those courts, or in which any business connected with any of those courts is conducted, or by any officer paid wholly or partly out of public moneys who is attached to any of those courts or the Supreme Court, or any judge of those courts, including the masters and other officers in lunacy, and may from time to time by order increase, reduce, or abolish all or any of such fees and per-centages, and appoint new fees and per-centages to be taken in the said courts or offices or any of them, or by any such officer as aforesaid.

Any order made in pursuance of this section shall be binding on all the courts, offices, and officers to which it refers, in the same manner as if it had been enacted by Parliament.

All such fees and per-centages shall (save as otherwise directed by the order) be paid into the receipt of her Majesty's Exchequer and be carried to the Consolidated Fund, and with respect thereto the following rules shall be observed:

- (1) The fees and per-centages shall, except so far as the order may otherwise direct, be taken by stamps, and if not taken by stamps shall be taken, applied, accounted for, and paid over in such manner as may be directed by the order.
- (2) Such stamps shall be impressed or adhesive, as the Treasury from time to time direct.
- (3) The Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for publishing the amount of the fees and regulating the use of such stamps, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of stamps and for keeping accounts of such stamps.
- (4) Any document which ought to bear a stamp in pursuance of this Act, or any rule or order made thereunder, shall not be received, filed, used, or admitted in evidence unless and until it is properly stamped,

within the time prescribed by the rules under this section regulating the use of stamps, but if any such document is through mistake or inadvertence received, filed, or used without being properly stamped, the Lord Chancellor or the court may, if he or it shall think fit, order that the same be stamped as in such order may be directed.

- (5) The Commissioners of Inland Revenue shall keep such separate accounts of all money received in respect of stamps under this Act as the Treasury may from time to time direct, and, subject to the deduction of any expenses incurred by those commissioners in the execution of this section, the money so received shall, under the direction of the Treasury, be carried to and form part of the Consolidated Fund.
- (6) Any person who forges or counterfeits any such stamp, or uses any such stamp, knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years.

An order under this section may abolish any existing fees and per-centages which may be taken in the said courts or offices, or any of them, or by the said officers or any of them, but, subject to the provisions of any order made in pursuance of this section, the existing fees and per-centages shall continue to be taken, applied, and accounted for in the existing manner.

27. *Provisions as to Lancaster Fee Fund, and salaries, &c., of officers of courts at Lancaster and Durham.*—32 & 33 Vict. c. 37.] Whereas by the Common Pleas at Lancaster Amendment Act, 1869, the fees taken by the prothonotaries and district prothonotaries in pursuance of that Act, are directed to be carried to the credit of "The Prothonotaries' Fee Fund Account of the County Palatine of Lancaster," and certain salaries and expenses connected with the offices of the said prothonotaries and district prothonotaries are directed to be paid out of that account:

And whereas, on the twenty-fourth day of June, one thousand eight hundred and seventy-four, there was standing to the credit of that account a sum of ten thousand seven hundred and fifty-five pounds consolidated three pounds per centum bank annuities and one thousand eight hundred and ten pounds cash, or thereabouts:

And whereas the fees received in the Court of Pleas of Durham are applied in payment of disbursements connected with the office of the prothonotary of that court, and any surplus of such fees is paid into the receipt of her Majesty's Exchequer, and any deficiency of the amount of the said fees to pay such disbursements is charged on the Consolidated Fund of the United Kingdom:

And whereas after the commencement of the principal Act, the jurisdiction of the Court of Common Pleas at Lancaster and the Court of Pleas at Durham is by that Act transferred to and vested in the High Court of Justice, and it is expedient to make further provision respecting the expenses of those courts and the said stock and cash standing to the credit of the Prothonotaries' Fee Fund Account of the County Palatine of Lancaster:

Be it therefore enacted that—

After the commencement of the principal Act there shall be paid out of the moneys provided by Parliament such sums by way of salary or remuneration to the prothonotaries and district prothonotaries of the Court of Common Pleas at Lancaster and the Court of Common Pleas at Durham and their clerks, and such sums for rent, taxes, and other outgoings at their offices, as the Lord Chancellor, with the concurrence of the Treasury, may from time to time direct.

32 & 33 Vict. c. 37.] As soon as each prothonotary and district prothonotary of the Court of Common Pleas at Lancaster has accounted for and paid all fees and moneys which he shall have received by virtue of his said office, the Chancellor of the Duchy of Lancaster shall cause any security given by such officer in pursuance of section seventeen of the Common Pleas at Lancaster Amendment Act, 1869, to be cancelled, and delivered up, or otherwise discharged.

As soon as may be after the commencement of the principal Act the Treasury and the Chancellor of the Duchy and County Palatine of Lancaster shall ascertain the amount of stock and cash standing to the credit of the Pro-

thonotaries' Fee Fund Account of the County Palatine of Lancaster, after paying thereout to the Receiver General of the Revenues of the Duchy of Lancaster the amount of the fees remaining in the prothonotary's hands on the twenty-fourth day of October, one thousand eight hundred and sixty-nine, and paid to that account in pursuance of section seventeen of the last-mentioned Act, and all other sums justly due to her Majesty in right of her said duchy and county palatine; and the Treasury shall by warrant direct the Governor and Company of the Bank of England to transfer to the Commissioners for the Reduction of the National Debt the amount of stock and cash so ascertained and either to cancel the stock in their books or otherwise, dispose of the same as may be directed by the warrant; and the Governor and Company of the Bank of England shall transfer the stock and cash, and cancel or otherwise dispose of the stock according to the warrant, without any order from the Lord Chancellor or the Chancellor of the said Duchy and County Palatine or any other person.

The Commissioners for the Reduction of the National Debt shall apply all cash transferred to them in pursuance of this section in the purchase of bank annuities which shall be cancelled or otherwise disposed of in like manner as the said stock.

28. *Annual account of fees and expenditure.*] The Treasury shall cause to be prepared annually an account for the year ending the thirty-first day of March, showing the receipts and expenditure during the preceding year in respect of the High Court of Justice and the Court of Appeal, and of any court, office, or officer, the fees taken in which or by whom can be fixed in pursuance of this Act.

Such account shall be made out in such form and contain such particulars as the Treasury, with the concurrence of the Lord Chancellor, may from time to time direct.

Every officer by whom or in whose office fees are taken which can be fixed in pursuance of this Act, shall make such returns and give such information as the Treasury may from time to time require for the purpose of enabling them to make out the said account.

The said account shall be laid before both Houses of Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, or, if not, then within one month after the next meeting of Parliament.

29. *Amendment of law as to payments to senior judge of Queen's Bench and Queen's coroner.*] Whereas fines and other moneys paid into the Court of Queen's Bench for her Majesty's use are received by the Queen's coroner and attorney, and out of such moneys there is paid in pursuance of a writ of privy seal an annual sum of forty pounds, at the rate of ten pounds for every term, to the second judge of the Court of Queen's Bench, and by section seven of the Act of the sixth year of King George the Fourth, chapter eighty-four, it is enacted that the said termly allowance of ten pounds shall continue to be paid to the said second judge in addition to his salary:

And whereas out of the said moneys there is also payable in pursuance of the said writ of privy seal an annual sum of ten pounds to the Queen's coroner and attorney:

And whereas it is expedient to determine such payments:

Be it therefore enacted as follows:—

After the passing of this Act the said sums of forty pounds and ten pounds a year shall cease to be payable by the Queen's coroner and attorney out of the above-mentioned moneys.

So long as the person who on the first day of March, one thousand eight hundred and seventy-five, was the second judge of the Court of Queen's Bench continues to be such second judge, there shall be payable to him out of the Consolidated Fund of the United Kingdom the annual sum of forty pounds in addition to his salary, and that annual sum shall be payable to him by instalments of ten pounds at the like times at which the said termly allowance of ten pounds has heretofore been payable to him, or at such other times as the Treasury, with the consent of the judge, may direct.

So long as the person who on the first day of March, one thousand eight hundred and seventy-five, was the Queen's coroner and attorney continues to hold that office, there shall be payable to him out of moneys provided by Parliament the annual sum of ten pounds, and such sum shall be pay-

able to him at the like time at which the said annual sum of ten pounds has heretofore been payable to him, or at such other time as the Treasury, with the consent of such Queen's exoner or attorney, may direct.

30. *Amendment of 35 & 36 Vict. c. 44, as to the transfer of Government securities to and from the Paymaster General on behalf of the Court of Chancery and the National Debt Commissioners.* Whereas by section sixteen of the Court of Chancery Funds Act, 1872, it is enacted that an order of the Court of Chancery may direct securities standing to the account of the Paymaster General on behalf of the Court of Chancery to be converted into cash, and that where such order refers to Government securities such securities shall be transferred to the Commissioners for the Reduction of the National Debt in manner therein mentioned:

And whereas the said section contains no provision for the converse cases of the conversion of cash into securities and the transfer of securities from the said commissioners to the account of the Paymaster General on behalf of the Court of Chancery:

And whereas such conversion and transfer, and the other matters provided by the said section, can be more conveniently provided for by rules made in pursuance of section eighteen of the said Act; and it is expedient to remove doubts with respect to the power to provide by such rules for the investment in securities of money in court, and the conversion into money of securities in court:

Be it therefore enacted as follows:—

Section sixteen of the Court of Chancery Funds Act, 1872, is hereby repealed.

Rules may from time to time be made in pursuance of section eighteen of the Court of Chancery Funds Act, 1872, with respect to the investment in securities of money in court, and the conversion into money of securities in court, and with respect to the transfer to the Commissioners for the Reduction of the National Debt of Government securities ordered by the court to be sold or converted into cash, and to the transfer by those commissioners to the Paymaster-General for the time being, on behalf of the Court of Chancery, of Government securities ordered by the Court of Chancery to be purchased.

This section shall come into operation on the passing of this Act, and shall be construed together with the Court of Chancery Funds Act, 1872, and shall be subject to any alteration in that Act made by or in pursuance of the principal Act or this Act.

31. *Abolition of secretary to the visitors of lunatics.*—16 & 17 Vict. c. 70.] Whereas under the Lunacy Regulation Act, 1853, it is provided that there shall be a secretary to the visitors of lunatics therein mentioned, and it is expedient to abolish that office: Be it therefore enacted as follows:—

After the passing of this Act there shall cease to be a secretary to the visitors of lunatics.

32. *Vict. c. 26.]* The Treasury shall award, out of moneys provided by Parliament, to the person who holds at the passing of this Act the office of secretary to the visitors of lunatics such compensation, by way of annuity or otherwise, as, having regard to the conditions on which he was appointed to his office, the nature, salary, and emoluments of his office, and the duration of his services, they may think just and reasonable, so that the same be granted in accordance with the provisions and subject to the conditions contained in the Superannuation Act, 1859.

32. *Amendment of 32 & 33 Vict. c. 83, s. 19, and 32 & 33 Vict. c. 71, s. 116, as to payment of unclaimed dividends to persons entitled.*] Whereas by section nineteen of the Bankruptcy Repeal and Insolvent Court Act, 1869, it is enacted as follows: "All dividends declared in any court acting under the Acts relating to bankruptcy or the relief of insolvent debtors which remain unclaimed for five years after the commencement of this Act, if declared before that commencement, and for five years after the declaration of the dividends if declared after the commencement of this Act, and all undivided surpluses of estates administered under the jurisdiction of such court which remain undivided for five years after the declaration of a final dividend in the case of bankruptcy, or for five years after the close of an insolvency under this Act, shall be deemed vested in the Crown, and shall be disposed of as the Commissioners of her Majesty's Treasury direct; provided that at any time after such vesting the Lord Chancellor may, if he thinks fit, by reason of the disability or absence beyond seas of the per-

sons entitled to the sum so vested, or for any other reason appearing to him sufficient, direct that the sum so vested shall be repaid out of moneys provided by Parliament, and shall be distributed as it would have been if there had been no such vesting."

32 & 33 Vict. c. 71.] And whereas a similar enactment with respect to unclaimed dividends in bankruptcy was made by section one hundred and sixteen of the Bankruptcy Act, 1869:

And whereas it is expedient to give to persons entitled to any such unclaimed dividends or other sums greater facilities for obtaining the same:

Be it therefore enacted as follows:—

32 & 33 Vict. c. 83, 71.] Any court having jurisdiction in the matter of any bankruptcy or insolvency, upon being satisfied that any person claiming is entitled to any dividend or other payment out of the moneys vested in the Crown in pursuance of section nineteen of the Bankruptcy Repeal and Insolvent Court Act, 1869, or of section one hundred and sixteen of the Bankruptcy Act, 1869, may order payment of the same in like manner as it might have done if the same had not by reason of the expiration of five years become vested in the Crown in pursuance of the said sections.

This section shall take effect as from the passing of this Act.

33. *Repeal.* From and after the commencement of this Act there shall be repealed—

(1) The Acts specified in the second schedule to this Act, to the extent in the third column of that schedule mentioned, without prejudice to anything done or suffered before the said commencement under the enactments hereby repealed; also,

(2) Any other enactment inconsistent with this Act or the principal Act.

34. *As to vacancies in any office within section 77 of principal Act.*] Whereas, by the seventy-seventh section of the principal Act, it is provided that, upon the occurrence of a vacancy in the office of any officer coming within the provisions of the said section, the Lord Chancellor, with the concurrence of the Treasury, may, in the event of such office being considered unnecessary, abolish the same, or may reduce the salary, or alter the designation or duties thereof, notwithstanding that the patronage thereof may be vested in an existing judge; but that nothing in the said Act contained shall interfere with the office of marshal attending any commissioner of assize: And whereas it is expedient to add to the said section: Be it enacted, that, upon the occurrence of any vacancy coming within the provisions of the said section, an appointment shall not be made thereto for the period of one month without the assent of the Lord Chancellor, given with the concurrence of the Treasury; and, further, the Lord Chancellor may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of January, one thousand eight hundred and seventy-seven, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge, in the meantime, of the duties of such office.

35. *Amendment of principal Act, s. 79, as to chamber clerks.*] Be it enacted, that any person who, at the time of the commencement of this Act, shall hold the office of chamber clerk shall be eligible at any time thereafter for appointment to the like office, anything in the principal Act to the contrary notwithstanding; and that, if any such person shall be so appointed after the commencement of this Act, he shall, if the salary assigned to such office by or under the principal Act be less than the salary received by him at the time of the commencement of this Act, be entitled to receive a salary not less than that so formerly received by him, so long as he shall retain such office, but shall not be entitled to receive or claim any pension in respect of his service, unless the Treasury, in its absolute discretion, shall think fit to sanction the same.

FIRST SCHEDULE.

RULES OF COURT.

[The rules in this schedule being already in the hands of every member of the profession, it has been deemed unnecessary to print them here at length.]

SECOND SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
3 Geo. 4, c. 84.	An Act to provide for augmenting the salaries of the Master of the Rolls and the Vice-Chancellor of England, the Chief Baron of the Court of Exchequer, and the Puisne Judges and Barons of the courts in Westminster Hall, and to enable his Majesty to grant an annuity to such Vice-Chancellor, and additional annuities to such Master of the Rolls, Chief Baron, and Puisne Judges and Barons on their resignation of their respective offices.	Section seven.
32 & 33 Vict. c. 71.	The Bankruptcy Act, 1869.	Section one hundred and sixteen from "provided that at any time," inclusive, to end of the section.
32 & 33 Vict. c. 83.	The Bankruptcy Repeal and Insolvent Court Act, 1869.	Section nineteen from "provided that at any time," inclusive, to end of the section.
36 & 37 Vict. c. 66.	Supreme Court of Judicature Act, 1873.	So much of sections three and sixteen as relates to the London Court of Bankruptcy, section six, section nine, section ten, so much of section thirteen as relates to additional judges of the Court of Appeal, section thirty-four from "all matters pending in the London Court of Bankruptcy" to "London Court of Bankruptcy," section thirty-five, section forty-eight, section fifty-three, section sixty-three, section sixty-eight, section sixty-nine, section seventy, section seventy-one, section seventy-two, section seventy-three, section seventy-four, and the whole of the schedule.

CAP. LXXVIII.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-six, and to appropriate the Supplies granted in this Session of Parliament.
[13th August, 1875.]

CAP. LXXIX.

An Act to amend the Law relating to Legal Practitioners.
[13th August, 1875.]

Whereas it is expedient to amend the law relating to legal practitioners :

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Legal Practitioners Act, 1875.

2. *Amendment of section 37 of 6 & 7 Vict. c. 73.*] The Act specified in the first column of the schedule annexed hereto is hereby repealed to the extent specified in the third column of the said schedule, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceedings taken before the passing of this Act.

It shall be lawful for any judge of the superior courts of law and equity to authorize an attorney or solicitor to commence an action or suit for the recovery of his fees, charges, or disbursements against the party chargeable therewith, and also to refer his bill of fees, charges, and disbursements, and the demand of such attorney and solicitor thereupon, to be taxed and settled by the proper officer of the court in which such reference shall be made, although one month shall not have expired from the delivery of the bill of fees, charges, or disbursements, on proof to the satisfaction of the said judge that there is probable cause for believing that the party chargeable therewith is about to quit England, or to become a bankrupt or a liquidating or compounding debtor, or to take any other steps or do any other act which, in the opinion of the judge, would tend to defeat or delay such attorney or solicitor in obtaining payment.

3. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
6 & 7 Vict. c. 73.	An Act for consolidating and amending several of the laws relating to attorneys and solicitors practising in England and Wales.	Section 37, from "Provided also, that it shall be lawful for any judge of the superior courts of law and equity" to end of section.

CAP. LXXX.

An Act to amend the Act of the twenty-first year of the reign of King George the Third, chapter forty-nine, intituled "An Act for preventing certain abuses and profanations on the Lord's-day called Sunday," and for further amending the law concerning the remission of penalties.
[13th August, 1875.]

Whereas it is expedient to amend the said Act, and to provide for the remission of certain penalties :

Be it enacted, &c. :

1. *Power of the Crown to remit penalties.*] Whereas doubts are entertained as to the power of the Crown to remit penalties and forfeitures incurred under the said Act of the twenty-first year of the reign of King George the Third, chapter forty-nine, by reason of its being contended that the power of the Crown to remit such penalties and forfeitures does not extend to penalties and forfeitures recovered in penal actions, and it is expedient to remove such doubts: Be it therefore enacted that—

It shall be lawful for her Majesty to remit in whole or in part any penalty, fine, or forfeiture imposed or recovered for any offence under the said Act, whether on indictment, information, or summary conviction, or by action, or any other process.

2. *Short title.*] This Act may be cited as the Remission of Penalties Act, 1875.

CAP. LXXXI.

An Act to authorize the payment out of the Consolidated Fund of the United Kingdom of the Salary of an additional Sheriff Substitute in Scotland; and for other purposes.
[13th August, 1875.]

CAP. LXXXII.

An Act to afford facilities for the erection, enlargement, improvement, and purchase of dwelling-houses for residences for Teachers of certain National Schools in Ireland.

[13th August, 1875.]

CAP. LXXXIII.

An Act to amend the Law relating to Securities for Loans contracted by Local Authorities.

[13th August, 1875.]

CAP. LXXXIV.

An Act to regulate the Expenses and to control the Charges of Returning Officers at Parliamentary Elections.

[13th August, 1875.]

Whereas it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections:

Be it enacted, &c.:

1. *Construction of Act.*] The Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act. This Act shall apply only to parliamentary elections.

2. *Payments to returning officers.*] The returning officer at an election shall be entitled to his reasonable charges, not exceeding the sums mentioned in the first schedule of this Act, in respect of services and expenses of several kinds mentioned in the said schedule, which have been properly rendered or incurred by him for the purposes of the election.

The amount of such charges shall be paid by the candidates at the election in equal several shares, or where there is only one candidate, by such candidate. If a candidate is nominated without his consent, the persons by whom his nomination is subscribed shall be jointly and severally liable for the share of the charges for which he would be liable if he were nominated with his consent.

A returning officer shall not be entitled to pay for any other services or expenses, or at any greater rates than as in the said schedule mentioned, any law or usage to the contrary notwithstanding.

3. *Returning officer may require deposit or security.*] The returning officer, if he think fit, may, as hereinafter provided, require security to be given for the charges which may become payable under the provisions of this Act in respect of any election.

The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the third schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows, viz.,

- (1) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security;
- (2) Within one hour after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him;
- (3) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872;
- (4) A tender of security in respect of a candidate may be made by any person;
- (5) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or borough for which the election is held, or, with the consent of the returning officer, in any other manner;
- (6) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

4. *The accounts of a returning officer may be taxed.*] Within twenty-one days after the day on which the return is made

of the persons elected at the election, the returning officer shall transmit to every candidate or other person from whom he claims payment either out of any deposit or otherwise of any charges in respect of the election, or to the agent for election expenses of any such candidate, a detailed account showing the amounts of all the charges claimed by the returning officer in respect of the election, and the share thereof which he claims from the person to whom the account is transmitted. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the person from whom payment is claimed, or any agent of such person, to inspect and take copies of the vouchers.

The returning officer shall not be entitled to any charges which are not duly included in his account.

If the person from whom payment is claimed objects to any part of the claim, he may, at any time within fourteen days from the time when the account is transmitted to him, apply to the court as defined in this section for a taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs at the discretion of the court.

The court for the purposes of this Act shall be in the City of London the Lord Mayor's Court, and elsewhere in England the county court, and in Ireland the civil bill court, having jurisdiction at the place of nomination for the election to which the proceedings relate.

The court may depute any of its powers or duties under this Act to the registrar or other principal officer of the court.

Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses.

5. *Claims against a returning officer.*] Every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election, except for publication of accounts of election expenses, shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

Where application is made for taxation of the accounts of a returning officer, he may apply to the court as defined in this Act to examine any claim transmitted to him by any person in pursuance of this section, and the court, after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or disallow, or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.

6. *Use of ballot boxes, &c., provided for municipal elections.*] In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

7. *Notice to be given by returning officers.*] There shall be added to every notice of election to be published under the provisions of the Ballot Act, 1872, the notification contained in the second schedule to this Act with respect to claims against returning officers.

8. *Saving of the universities.*] Nothing in this Act shall apply to an election for any university or combination of universities.

9. *Commencement and duration of Act.*] This Act shall come into operation on the first day of October, one thousand eight hundred and seventy-five, and continue in force until the thirty-first day of December, one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine.

10. *Short title.*] This Act may be cited for all purposes as the Parliamentary Elections (Returning Officers) Act, 1875.

11. *Not to apply to Scotland.*] This Act shall not apply to Scotland.

SCHEDULES.

FIRST SCHEDULE.

CHARGES OF RETURNING OFFICERS.

The following are the maximum charges to be made by the returning officer, but the charges are in no case to exceed the sums actually and necessarily paid or payable.

PART I.—COUNTIES AND DISTRICT OR CONTRIBUTORY BOROUGH.

This Part of this Schedule applies to an election for a county, or for either of the boroughs of Aylesbury, Cricklade, Monmouth, East Retford, Stroud, and New Shoreham, or for any borough or burgh consisting of a combination of separate boroughs, burghs, or towns.

	£	s.	d.
For preparing and publishing the notice of election.	2	2	0
For preparing and supplying the nomination papers.	1	1	0
For travelling to and from the place of nomination, or of declaring the poll at a contested election, per mile.	0	1	0
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.		
	7	7	0
For constructing a polling station, with its fittings and compartments, in England.			
And in Ireland the sum or sums payable under the provisions of the 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33.			
In Ireland the returning officer shall use a court-house where one is available as a polling station, and his maximum charge for using and fitting the same shall in no case exceed three pounds three shillings.			
For each ballot box required to be purchased.	1	1	0
For the use of each ballot box, when hired.	0	5	0
For stationery at each polling station	0	10	0
For printing and providing ballot papers, per thousand.	1	10	0
For each stamping instrument	0	10	0
For copies of the register	The sums payable by statute for the necessary copies.		
	3	3	0
For each presiding officer	1	1	0
For one clerk at each polling station where not more than 500 voters are assigned to such polling station.	1	1	0
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such polling station.	1	1	0
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1	1	0
For making the return to the clerk of the Crown.	1	1	0

For the preparation and publication of notices (other than the notice of election).

For conveyance of ballot boxes from the polling stations to the place where the ballot papers are to be counted, per mile.

For professional and other assistance in and about the conduct of the election.

For travelling expenses of presiding officers and clerks, per mile.

For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.

For all other expenses

£ s. d.
Not exceeding for the whole of such notices £20, and £1 for every additional 1,000 electors above 3,000.
0 1 0

In a contested election not exceeding £25, and an additional £3 for every 1,000 registered electors or fraction thereof above 3,000 and up to 10,000, and £2 for every 1,000 or fraction thereof above 10,000. In an uncontested election, one fifth of the above sums.

0 1 0

2 2 0

In a contested election, not exceeding £10, and an additional £1 for every 1,000 electors or fraction thereof above 1,000. In an uncontested election, nil.

NOTE.—Travelling expenses are not to be allowed in the case of any person unless for distances exceeding two miles from the place at which he resides.

PART II.—BOROUGH.

This Part of the Schedule applies to all boroughs not included in Part I. of this Schedule.

	£	s.	d.
For preparing and publishing the notice of election.	2	2	0
For preparing and supplying the nomination papers.	1	1	0
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.		
	7	7	0
In England, for constructing a polling station, with its fittings and compartments, not exceeding two in number.	1	1	0
For each compartment required to be constructed, when more than two are used.	0	5	0
For the use of each compartment hired, when more than two are used.	And in Ireland, in lieu of the charges payable in respect of the foregoing last three services, the sum or sums payable under the provisions of 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33.		

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	£ s. d.
For each ballot box required to be purchased.	1 1 0
For the use of each ballot box, when hired.	0 5 0
For stationery at each polling station	0 10 0
For printing and providing ballot papers, per thousand.	1 10 0
For each stamping instrument	0 10 0
For copies of the register	The sums payable by statute for the necessary copies.
	3 3 0
For each presiding officer	1 1 0
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1 1 0
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such station.	1 1 0
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1 1 0
For making the return to the clerk of the Crown.	1 1 0
For the preparation and publication of notices (other than the notice of election).	Not exceeding for the whole of such notices £10, and £1 for every additional 1,000 electors above 1,000.
For professional and other assistance in and about the conduct of the election.	In a contested election, not exceeding £20, an additional £2 for every 1,000 registered electors or fraction thereof above 1,000, and up to 10,000, and £1 additional for every 1,000 or fraction thereof above 10,000. In an uncontested election one-fifth of the above sum.
	1 1 0
For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.	
For all other expenses	Not exceeding £10, and an additional £1 for every 1,000 electors above the first 1,000.

NOTE TO PARTS I. and II. of SCHEDULE I.

The above sums are the aggregate charges, the amount of which is to be apportioned among the several candidates or other persons liable for the same.

SECOND SCHEDULE.

1. NOTIFICATION to be added to the NOTICE OF ELECTION.

Take notice, that by the Parliamentary Elections (Returning Officers) Act, 1875, it is provided that every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purposes of an election (except for publication of account of election expenses), shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

THIRD SCHEDULE.

MAXIMUM Amount of SECURITY which may be required by a RETURNING OFFICER.

	County or District of Contributory Borough.	Borough.
	£	£
Where the registered electors do not exceed 1,000.	150	100
Where the registered electors exceed 1,000 but do not exceed 2,000.	200	150
Where the registered electors exceed 2,000 but do not exceed 4,000.	275	200
Where the registered electors exceed 4,000 but do not exceed 7,000.	400	250
Where the registered electors exceed 7,000 but do not exceed 10,000.	550	300
Where the registered electors exceed 10,000 but do not exceed 15,000.	700	450
Where the registered electors exceed 15,000 but do not exceed 20,000.	800	500
Where the registered electors exceed 20,000 but do not exceed 30,000.	900	600
Where the registered electors exceed 30,000.	1,000	700

If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one-fifth of the maximum according to the above scale.

CAP. LXXXV.

An Act for amending the Foreign Jurisdiction Act.

[13th August, 1875.]

CAP. LXXXVI.

An Act for amending the Law relating to Conspiracy, and to the Protection of Property, and for other purposes.

[13th August, 1875.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Conspiracy, and Protection of Property Act, 1875.

2. *Commencement of Act.*] This Act shall come into operation on the first day of September, one thousand eight hundred and seventy-five.

Conspiracy, and Protection of Property.

3. *Amendment of law as to conspiracy in trade disputes.*] An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

4. *Breach of contract by persons employed in supply of gas or water.*] Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or place, or any part thereof, with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Every such municipal authority, company, or contractor as is mentioned in this section shall cause so be posted up, at the gasworks or waterworks, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act, shall be liable on summary conviction to a penalty not exceeding forty shillings.

5. *Breach of contract involving injury to persons or property.*] Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Miscellaneous.

6. *Penalty for neglect by master to provide food, clothing, &c., for servant or apprentice.*] Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall on summary conviction be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding six months, with or without hard labour.

7. *Penalty for intimidation or annoyance by violence or otherwise.*] Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do, or abstain from doing wrongfully and without legal authority,—

- (1) Uses violence to or intimidates such other person or his wife or children, or injures his property; or
- (2) Persistently follows such other person about from place to place; or
- (3) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (4) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (5) Follows such other person with two or more other persons in a disorderly manner in or through any street or road.

shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be

imprisoned for a term not exceeding three months, with or without hard labour.

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

8. *Reduction of penalties.*] Where in any Act relating to employers or workmen a pecuniary penalty is imposed in respect of any offence under such Act, and no power is given to reduce such penalty, the justices or court having jurisdiction in respect of such offence may, if they think it just so to do, impose by way of penalty in respect of such offence any sum not less than one-fourth of the penalty imposed by such Act.

Legal Proceedings.

9. *Power for offender under this Act to be tried on indictment and not by court of summary jurisdiction.*] Where a person is accused before a court of summary jurisdiction of any offence made punishable by this Act, and for which a penalty amounting to twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

10. *Proceedings before court of summary jurisdiction.*] Every offence under this Act which is made punishable on conviction by a court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered in manner provided by the Summary Jurisdiction Act.

11. *Regulations as to evidence.*] Provided, that upon the hearing and determining of any indictment or information under sections four, five, and six of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

12. *Appeal to quarter sessions.*] In England or Ireland, if any party feels aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

- (1) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the court from which the appeal is made;
- (2) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof;
- (3) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace, with or without sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court;
- (4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody;
- (5) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Definitions.

13. *General definitions.*] In this Act,—
“The Summary Jurisdiction Act.”] The expression “The Summary Jurisdiction Act” means the Act of the session

of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and orders," inclusive of any Acts amending the same; and

"Court of summary jurisdiction." The expression "court of summary jurisdiction" means—

- (1) As respects the City of London, the Lord Mayor or any alderman of the said City sitting at the Mansion House or Guildhall justice-room; and
- (2) As respects any police-court division in the metropolitan police district, any metropolitan police magistrate sitting at the police-court for that division; and
- (3) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police-court or other place appointed in that behalf; and
- (4) Elsewhere, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognizance of such justice or justices as last aforesaid, an information under this Act shall be heard and determined by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the City of London, or of any metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

14. *Definitions of "municipal authority" and "public company."* The expression "municipal authority" in this Act means any of the following authorities, that is to say, the Metropolitan Board of Works, the Common Council of the City of London, the Commissioners of Sewers of the City of London, the town council of any borough for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and any Act amending the same, any commissioners, trustees, or other persons invested by any local Act of Parliament with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any municipal authority or company or contractor who has obtained authority by or in pursuance of any general or local Act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local Act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this Act be deemed to be a municipal authority or company or contractor upon whom is imposed by Act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water.

15. "*Maliciously in this Act construed as in Malicious Injuries to Property Act.*" The word "maliciously" used in reference to any offence under this Act shall be construed in the same manner as it is required by the fifty-eighth section of the Act relating to malicious injuries to property, that is to say, the Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter ninety-seven, to be construed in reference to any offence committed under such last-mentioned Act.

Saving Clause.

16. *Saving as to sea service.* Nothing in this Act shall apply to seamen or to apprentices to the sea service.

Repeal.

17. *Repeal of Acts.* On and after the commencement of this Act, there shall be repealed:—

- I. The Act of the session of the thirty-fourth and thirty-fifth years of the reign of her present Majesty, chapter thirty-two, intituled "An Act to amend the Criminal Law relating to Violence, Threats, and Molestation;" and
- II. The Master and Servant Act, 1867, and the enactments specified in the first schedule to that Act, with the exceptions following as to the enactments in such schedule (that is to say):

(1) Except so much of sections one and two of the Act

passed in the thirty-third year of the reign of King George the Third, chapter fifty-five, intituled "An Act to authorize justices of the peace to impose fines upon constables, overseers, and other peace or parish officers for neglect of duty, and on masters of apprentices for ill-usage of their apprentices; and also to make provision for the execution of warrants of distress granted by magistrates," as relates to constables, overseers, and other peace or parish officers; and

(2) Except so much of sections five and six of an Act passed in the fifty-ninth year of the reign of King George the Third, chapter ninety-two, intituled "An Act to enable justices of the peace in Ireland to act as such, in certain cases, out of the limits of the counties in which they actually are; to make provision for the execution of warrants of distress granted by them; and to authorize them to impose fines upon constables and other officers for neglect of duty, and on masters for ill-usage of their apprentices," as relates to constables and other peace or parish officers; and

(3) Except the Act of the session of the fifth and sixth years of the reign of her present Majesty, chapter seven, intituled "An Act to explain the Acts for the better regulation of certain apprentices;" and

(4) Except sub-sections one, two, three, and five of section sixteen of the Summary Jurisdiction (Ireland) Act, 1851, relating to certain disputes between employers and the persons employed by them; and

III. Also there shall be repealed the following enactments making breaches of contract criminal, and relating to the recovery of wages by summary procedure (that is to say):

(a) An Act passed in the fifth year of the reign of Queen Elizabeth, chapter four, and intituled "An Act touching dyers orders for artificers, labourers, servants of husbandry, and apprentices;" and

(b) So much of section two of an Act passed in the twelfth year of King George the First, chapter thirty-four, and intituled "An Act to prevent unlawful combination of workmen employed in the woollen manufactures, and for better payment of their wages," as relates to departing from service and quitting or returning work before it is finished; and

(c) Section twenty of an Act passed in the fifth year of King George the Third, chapter fifty-one, the title of which begins with the words "An Act for repealing several Laws relating to the manufacture of woollen cloth in the county of York," and ends with the words "for preserving the credit of the said manufacture at the foreign market;" and

(d) An Act passed in the nineteenth year of King George the Third, chapter forty-nine, and intituled "An Act to prevent abuses in the payment of wages to persons employed in the bone and thread lace manufactory;" and

(e) Sections eighteen and twenty-three of an Act passed in the session of the third and fourth years of her present Majesty, chapter ninety-one, intituled "An Act for the more effectual prevention of frauds and abuses committed by weavers, sewers, and other persons employed in the linen, hempen, union, cotton, silk, and woollen manufactures in Ireland, and for the better payment of their wages, for one year, and from thence to the end of the next session of Parliament;" and

(f) Section seventeen of an Act passed in the session of the sixth and seventh years of her present Majesty, chapter forty, the title of which begins with the words "An Act to amend the Laws," and ends with the words "workmen engaged therein;" and

(g) Section seven of an Act passed in the session of the eighth and ninth years of her present Majesty, chapter one hundred and twenty-eight, and intituled "An Act to make further regulations respecting the tickets of work to be delivered to silk weavers in certain cases."

Provided that,—

(1) Any order for wages or further sum of compensation in addition to wages made in pursuance of section sixteen of the Summary Jurisdiction (Ireland) Act, 1851, may be enforced in like manner as if it were an order made by a court of summary jurisdiction in pursuance of the Employers and Workmen Act, 1875, and not otherwise; and

(2) The repeal enacted by this section shall not affect—

(a) Anything duly done or suffered, or any right or

liability acquired or incurred under any enactment hereby repealed; or

(b) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(c) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

Application of Act to Scotland.

18. *Application to Scotland.*] This Act shall extend to Scotland, with the modifications following; that is to say,

(1) The expression "municipal authority" means the town council of any royal or parliamentary burgh, or the commissioners of police of any burgh, town, or populous place under the provisions of the General Police Improvement (Scotland) Act, 1862, or any local authority under the provisions of the Public Health (Scotland) Act, 1867:

(2) The expression "The Summary Jurisdiction Act" means the Summary Procedure Act, 1864, and any Acts amending the same:

(3) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes.

19. *Recovery of penalties, &c., in Scotland.*] In Scotland the following provisions shall have effect in regard to the prosecution of offences, recovery of penalties, and making of orders under this Act:

(1) Every offence under this Act shall be prosecuted, every penalty recovered, and every order made at the instance of the Lord Advocate, or of the Procurator Fiscal of the sheriff court:

(2) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit or in a sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864:

(3) Every person found liable on conviction to pay any penalty under this Act shall be liable, in default of payment within a time to be fixed in the conviction, to be imprisoned for a term, to be also fixed therein, not exceeding two months, or until such penalty shall be sooner paid, and the conviction and warrant may be in the form of No. 3 of schedule K. of the Summary Procedure Act, 1864:

(4) In Scotland all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund.

20. *Appeal in Scotland as prescribed by 20 Geo. 2, c. 43.*] In Scotland it shall be competent to any person to appeal against any order or conviction under this Act to the next circuit court of justiciary, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of his Majesty King George the Second, chapter forty-three, in regard to appeals to circuit courts in matters criminal, as the same may be altered or amended by any Acts of Parliament for the time being in force.

Application of Act to Ireland.

21. *Application to Ireland.*] This Act shall extend to Ireland, with the modifications following; that is to say,

The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same:

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace, or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:

The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and

elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions:

The expression "municipal authority" shall be construed to mean the town council of any borough for the time being, subject to the Act of the session of the third and fourth years of the reign of her present Majesty, chapter one hundred and eight, intitled "An Act for the Regulation of Municipal Corporations in Ireland," and any commissioners invested by any general or local Act of Parliament, with power of improving, cleansing, lighting, or paving any town or township.

CAP. LXXXVII.

An Act to simplify Titles and facilitate the Transfer of Land in England. [13th August, 1875.]

Whereas it is expedient to make further provision for the simplification of the title to land, and for facilitating the transfer of land, in England:

Be it enacted, &c.:

PRELIMINARY.

1. *Short title.*] This Act may be cited as the Land Transfer Act, 1875.

2. *Application of Act.*] This Act shall not apply to Scotland or Ireland, and land shall not be registered under this Act unless it is of freehold tenure or is leasehold held under a lease which is either immediately or mediately derived out of land of freehold tenure; but for the purposes of this Act customary freehold, in any case in which an admission or any act by the lord of the manor is necessary to perfect the title of a purchase from the customary tenant, shall not be deemed to be land of freehold tenure.

3. *Commencement of Act.*] This Act shall come into operation on the 1st day of January, 1876, which day is in this Act referred to as the commencement of this Act; but any orders or rules, and any appointment to any office, may be made under this Act at any time after the passing thereof, but shall not take effect until the commencement of this Act.

4. *Construction of terms in Act.*] In this Act, unless there is something inconsistent in the context—

"Person" includes a corporation and any body of persons unincorporate:

"Registrar," "court," and "general rules," mean such "registrar," "court," and "general rules," as are in this Act respectively in that behalf mentioned.

"Prescribed" means prescribed by any general rules made in pursuance of this Act:

"The Court of Chancery," and "Court of Appeal in Chancery," and "Her Majesty's Superior Courts," include any courts in which the powers of the courts so referred to by name, may be for the time being vested:

"The Land Registry Act, 1862," means the Act passed in the session held in the twenty-fifth and twenty-sixth years of the reign of her present Majesty, chapter fifty-three, intitled, "An Act to facilitate the proof of title to and the conveyance of real estates."

The definition of land contained in the Act of the thirteenth and fourteenth years of the reign of her present Majesty, chapter twenty-one, intitled "An Act for shortening the language used in Acts of Parliament," shall not apply to this Act.

PART I.

ENTRY OF LAND ON REGISTER OF TITLE.

(1) *Freehold Land.*

5. *Application for registration with an absolute title, or with a possessory title only.*] A land registry shall be established, and on and after the commencement of this Act the following persons (that is to say):

(1) Any person who has contracted to buy for his own benefit an estate in fee simple in land, whether subject or not to incumbrances; and

(2) Any person entitled for his own benefit at law or in

equity to an estate in fee simple in land, whether subject or not to incumbrances; and

- (3) Any person capable of disposing for his own benefit by way of sale of an estate in fee simple in land, whether subject or not to incumbrances,

may apply to the registrar under this Act to be registered, or to have registered in his stead any nominee or nominees not exceeding the prescribed number, as proprietor or proprietors of such freehold land with an absolute title or with a possessory title only: Provided, that in the case of land contracted to be bought, the vendor consents to the application.

6. *Evidence of title required on application.*] Where an absolute title is required the applicant or his nominee shall not be registered as proprietor of the fee simple until and unless the title is approved by the registrar.

Where a possessory title only is required the applicant or his nominee may be registered as proprietor of the fee simple on giving such evidence of title and serving such notices, if any, as may for the time being be prescribed.

7. *Estate of first registered proprietor with absolute title.*]

The first registration of any person as proprietor of freehold land (in this Act referred to as first registered proprietor) with an absolute title, shall vest in the person so registered an estate in fee simple in such land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

- (1) To the incumbrances, if any, entered on the register; and
- (2) Unless, under the provisions of this Act, the contrary is expressed on the register, to such liabilities, rights, and interests, if any, as are by this Act declared not to be incumbrances; and
- (3) Where such first proprietor is not entitled for his own benefit to the land registered as between himself and any persons claiming under him, to any unregistered estates, rights, interests, or equities to which such persons may be entitled,

but free from all other estates and interests whatsoever, including estates and interests of her Majesty, her heirs and successors.

8. *Estate of first registered proprietor with possessory title.*] The registration of any person as first registered proprietor of freehold land with a possessory title only shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of such first registered proprietor, and subsisting or capable of arising at the time of registration of such proprietor; but, save as aforesaid, shall have the same effect as registration of a person with an absolute title.

9. *A qualified title may be registered in certain cases.*] Where an absolute title is required, and on the examination of the title it appears to the registrar that the title can be established only for a limited period, or subject to certain reservations, the registrar may, on the application of the party applying to be registered, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date, or arising under a specified instrument or otherwise particularly described in the register, and a title registered subject to such excepted estate, right, or interest shall be called a qualified title, and the registration of a person as first registered proprietor of land with a qualified title shall have the same effect as the registration of such person with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right, or interest appearing by the register to be excepted.

10. *Land certificate given on registration.*] On the entry of the name of the first registered proprietor of freehold land on the register, the registrar shall, if required by such proprietor, deliver to him a certificate, called a land certificate, in the prescribed form; the certificate shall state whether the title of the proprietor therein mentioned is absolute, qualified, or possessory.

(2) Leasehold Land.

11. *Application for registration with or without a declaration of title of lessor to grant lease.*] A separate register shall be kept of leasehold land, and on and after the commencement of this Act any of the following persons; that is to say,

- (1) Any person who has contracted to buy for his own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which more than twenty-one are unexpired, whether subject or not to incumbrances; and

- (2) Any person entitled for his own benefit, at law or in equity, to leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances; and

- (3) Any person capable of disposing for his own benefit by way of sale of leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances;

may apply to the registrar to be registered, or to have registered in his stead any nominee or nominees not exceeding the prescribed number, as proprietor or proprietors of such leasehold land, with the addition where the lease under which the land is held is derived immediately out of the freehold land, and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held:

Provided,—

That in the case of leasehold land contracted to be bought, the vendor consents to the application.

Every applicant for registration of leasehold land shall deposit with the registrar the lease of the land in respect of which the application is made, or if such lease is proved to the satisfaction of the registrar to be lost a copy of such lease or of a counterpart thereof, verified to the satisfaction of the registrar; and such lease or attested copy is in this Act referred to as the registered lease.

Leasehold land held under a lease containing an absolute prohibition against alienation, shall not be registered in pursuance of this Act; and leasehold land held under a lease containing a prohibition against alienation without the licence of some other person, shall not be registered under this Act until and unless provision is made in the prescribed manner for preventing alienation without such licence by entry on the register of a restriction to that effect, or otherwise.

12. *Evidence of title required on application.*] An applicant or his nominee shall not be registered as proprietor of leasehold land, until and unless the title to such land is approved by the registrar; and further, if he apply to be registered as proprietor of leasehold land with a declaration of the title of the lessor to grant the lease under which the land is held, until and unless the lessor, after an examination of his title by the registrar, is declared to have had an absolute or qualified title to grant the lease under which the land is held.

13. *Estate of first registered proprietor of leasehold land with a declaration of absolute title of lessor to grant lease.*] The registration under this Act of any person as first registered proprietor of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held shall be deemed to vest in such person the possession of the land comprised in the registered lease relating to such land for all the leasehold estate therein described, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject as follows:—

- (1) To all implied and express covenants, obligations, and liabilities incident to such leasehold estate; and
- (2) To the incumbrances (if any) entered on the register; and
- (3) Unless the contrary is expressed on the register, to such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land; and
- (4) Where such first proprietor is not entitled for his own benefit to the land registered as between himself and any persons claiming under him, to any unregistered estates, rights, interests, or equities to which such persons may be entitled,

but free from all other estates and interests whatsoever, including estates and interests of her Majesty, her heirs and successors.

14. *Estate of first registered proprietor of leasehold land without a declaration of title of lessor to grant lease.*] The registration of any person under this Act as first registered proprietor of leasehold land without a declaration of the title of the lessor shall not affect or prejudice the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held;

but, save as aforesaid, shall have the same effect as the registration of any person under this Act as first registered proprietor of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held.

15. *Lessor may be declared to have a qualified title to grant lease in certain cases.* Where an absolute title is required, and on the examination of the title of any lessor by the registrar it appears to him that the title of such lessor to grant the lease under which the land is held can be established only for a limited period or subject to certain reservations, the registrar may, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register; and a title of a lessor registered subject to such excepted estate, right, or interest is in this Act referred to as a qualified title; and the registration of a person as first registered proprietor of leasehold land with a declaration that the lessor had a qualified title to grant the lease under which the land is held shall have the same effect as the registration of such person with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that registration with the declaration of a qualified title shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted.

16. *How lease given on registration.* On the entry of the name of the first registered proprietor of leasehold land on the register, the registrar shall, if required by the proprietor, deliver to him a copy of the registered lease, in this Act called an office copy, authenticated in the prescribed manner, and there shall be indorsed thereon a statement whether any declaration, absolute or qualified, as to the title of the lessor has been made, and any other particulars relating to such lease entered in the register.

FREEHOLD AND LEASEHOLD LAND.

17. *Regulations as to examination of title by registrar.* The examination by the registrar of any title under this Act shall be conducted in the prescribed manner, provided that—

- (1) Due notice shall be given, where the giving of such notice is prescribed, and sufficient opportunity be afforded to any persons desirous of objecting to come in and state their objections to the registrar; and
- (2) The registrar shall have jurisdiction to hear and determine any such objections, subject to an appeal to the court in the prescribed manner and on the prescribed conditions; and
- (3) If the registrar, upon the examination of any title, is of opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the court, upon a statement signed by the registrar, for its sanction to the registration; and
- (4) The registrar may accept as evidence recitals, statements, and descriptions of facts, matters, and parties in deeds, instruments, or statutory declarations not less than twenty years old.

18. *Liability of registered land to easements and certain other rights.* All registered land shall, unless, under the provisions of this Act, the contrary is expressed on the register, be deemed to be subject to such of the following liabilities, rights, and interests as may be for the time being subsisting in reference thereto, and such liabilities, rights, and interests shall not be deemed incumbrances within the meaning of this Act (that is to say):

- (1) Liability to repair highways by reason of tenure, quit-rents, crown rents, heriots, and other rents and charges having their origin in tenure; and
- (2) Succession duty, land tax, tithe rentcharge, and payments in lieu of tithes, or of tithe rentcharge; and
- (3) Rights of common, rights of sheepwalk, rights of way, watercourses, and rights of water, and other easements; and
- (4) Rights to mines and minerals; and
- (5) Rights of entry, search, and user, and other rights and reservations incidental to or required for the purpose of giving full effect to the enjoyment of rights to mines and minerals, or of property in mines or minerals; and
- (6) Rights of fishing and sporting, seigniorial and manorial

rights of all descriptions, and franchises, exercisable over the registered lands; and

- (7) Leases or agreements for leases and other tenancies for any term not exceeding twenty-one years, or for any less estate, in cases where there is an occupation under such tenancies:

Provided as follows:

(a) Where it is proved to the satisfaction of the registrar that any land registered or about to be registered is exempt from land tax or tithe rentcharge, or from payments in lieu of tithes, or of tithe rentcharge, the registrar may notify the fact on the register in the prescribed manner; and

(b) The Commissioners of Inland Revenue shall, upon the application of the proprietor of any land registered or about to be registered upon such declaration being made, or such other evidence being produced as the commissioners require, and upon payment of the prescribed fee, grant a certificate that at the date of the grant thereof no succession duty is owing in respect of such land, and the registrar shall in the prescribed manner notify such fact on the register, and such notification shall be conclusive evidence of the fact so notified in respect of succession duty; and

(c) Where it is proved to the satisfaction of the registrar that the right to any mines or minerals is vested in the proprietor of land registered or about to be registered, the registrar may register such proprietor in the prescribed manner as proprietor of such mines and minerals as well as of the land; and

(d) Where it is proved to the satisfaction of the registrar that the right to any mines or minerals is severed from any land registered or about to be registered, the registrar may on the application of the person entitled to any such mines and minerals register him as proprietor of such mines and minerals in manner hereafter in this Act mentioned, and upon such registration being effected shall enter on the register of the land a reference to the registration of such other person as proprietor of such mines and minerals.

Where the existence of any such liabilities, rights, or interests, as are mentioned in this section, is proved to the satisfaction of the registrar, the registrar may, if he think fit, enter on the register notice of such liabilities, rights, or interests in the prescribed manner.

19. *Discharge of incumbrance.* Where upon the first registration of any freehold or leasehold land, notice of an incumbrance affecting such land has been entered on the register, the registrar shall, on proof to his satisfaction of the discharge of such incumbrance, notify in the prescribed manner on the register by cancelling the original entry or otherwise the cessation of such incumbrance.

20. *Determination of lease.* The registrar shall, on proof to his satisfaction of the determination of any lease of registered leasehold land, notify in the prescribed manner on the register the determination of such lease.

21. *No acquisition of title by adverse possession.* A title to any land adverse to or in derogation of the title of the registered proprietor shall not be acquired by any length of possession; but this section shall not prejudice, as against any person registered as first proprietor of land with a possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of such land at the time when the registration of such first proprietor took place.

PART II.

REGISTERED DEALINGS WITH REGISTERED LAND.

Mortgage of Registered Land.

22. *Creation of charges, and delivery of certificate of charge.* Every registered proprietor of any freehold or leasehold land may, in the prescribed manner, charge such land with the payment at an appointed time of any principal sum of money, either with or without interest, and with or without a power of sale to be exercised at or after the time appointed. The charge shall be completed by the registrar entering on the register the person in whose favour the charge is made as the proprietor of such charge, and the particulars of the charge, and of the power of sale, if any; the registrar shall also, if required, deliver to the proprietor of the charge a certificate of charge in the prescribed form.

23. *Implied covenant to pay charges.* Where a registered

charge is created on any land there shall be implied on the part of the person being registered proprietor of such land at the time of the creation of the charge, his heirs, executors, and administrators, unless there be an entry on the register negating such implication, a covenant with the registered proprietor for the time being of the charge to pay the principal sum charged, and interest, if any, thereon, at the appointed time and rate; also a covenant, if the principal sum or any part thereof is unpaid at the appointed time, to pay interest half-yearly at the appointed rate on so much of the principal sum as for the time being remains unpaid.

24. *Implied covenant in case of leaseholds to pay rent, &c., and indemnify proprietor of charge.* Where a registered charge is created on any leasehold land there shall be implied on the part of the person being registered proprietor of such land at the time of the creation of the charge, his heirs, executors, and administrators, unless there be an entry on the register negating such implication, a covenant with the registered proprietor for the time being of the charge, that the person being registered proprietor of such land at the time of the creation of the charge, his executors, administrators, and assigns, will pay, perform, and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the proprietor of the charge, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims, on account of the non-payment of the said rent, or any part thereof, or the breach of the said covenants or conditions, or any of them.

25. *Entry by proprietor of charge.* Subject to any entry to the contrary on the register, the registered proprietor of a registered charge may, for the purpose of obtaining satisfaction of all moneys due to him under the charge, at any time during the continuance of his charge, enter upon the land charged, or any part thereof, or into the receipt of the rents and profits thereof, subject nevertheless to the right of any persons appearing on the register to be prior incumbrancers, and to the liability attached to a mortgagee in possession.

26. *Foreclosure by proprietor of charge.* Subject to any entry to the contrary on the register, the registered proprietor of a registered charge may enforce a foreclosure or sale of the land charged, in the same manner and under the same circumstances in and under which he might enforce the same if the land had been transferred to him by way of mortgage, subject to a proviso for redemption on payment of the money named at the appointed time.

27. *Remedy of proprietor of charge with a power of sale.* Subject to any entry to the contrary on the register, the registered proprietor of a registered charge, with a power of sale, may, at any time after the expiration of the appointed time, sell and transfer the land on which he has a registered charge, or any part thereof, in the same manner as if he were the registered proprietor of such land.

28. *Priority and discharge of registered charges.* Subject to any entry to the contrary on the register, registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created.

The registrar shall, on the requisition of the registered proprietor of any charge, or on due proof of the satisfaction thereof, notify on the register in the prescribed manner by cancelling the original entry or otherwise the cessation of the charge, and thereupon the charge shall be deemed to have ceased.

Transfer of Freehold Land.

29. *Transfer of freehold land, and delivery of land certificate.* Every registered proprietor of freehold land may, in the prescribed manner, transfer such land or any part thereof. The transfer shall be completed by the registrar entering on the register the transferee as proprietor of the land transferred, but until such entry is made the transferor shall be deemed to remain proprietor of the land.

Upon completion of the registration of the transferee the registrar shall, if required, deliver to him a land certificate in the prescribed form; he shall also, in cases where part only of the land is transferred, if required, deliver to the transferor a land certificate, containing a description of the land retained by him.

30. *Estate of transferee for valuable consideration of freehold land with absolute title.* A transfer for valuable consideration of freehold land registered with an absolute title shall, when registered, confer on the transferee an estate in fee simple in the land transferred, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

- (1) To the incumbrances, if any, entered on the register and
- (2) Unless the contrary is expressed on the register, to such liabilities, rights, and interests, if any, as are by this Act declared not to be incumbrances, but free from all other estates and interests whatsoever, including estates and interests of her Majesty, her heirs and successors.

31. *Estate of transferee for valuable consideration of freehold land with qualified title.* A transfer for valuable consideration of freehold land registered with a qualified title shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an absolute title, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted.

32. *Estate of transferee for valuable consideration of freehold land with possessory title.* A transfer for valuable consideration of freehold land registered with a possessory title shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor; but, save as aforesaid, shall when registered have the same effect as a transfer for valuable consideration of the same land registered with an absolute title.

33. *Estate of voluntary transferee of freehold land.* A transfer of freehold land made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same, but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same lands for valuable consideration.

Transfer of Leasehold Land.

34. *Transfer of leasehold land, and delivery of office lease.* Every registered proprietor of leasehold land may, in the prescribed manner, transfer the whole of his estate in such land or in any part thereof. The transfer shall be completed by the registrar entering on the register the transferee as proprietor of the land transferred, but until such entry is made the transferor shall be deemed to remain proprietor of the land.

Upon completion of the registration of the transferee, if the transfer includes the whole of the land comprised in the registered lease relating to such land, the transferee shall be entitled to the office copy of the registered lease; but if a part only is transferred, the registrar shall, if required, according to any agreement that may have been entered into between the transferor and transferee, deliver to the one the office copy of the registered lease, and to the other a fresh office copy of such lease, each of such copies showing by indorsement or otherwise the parcels of which the person to whom such copy is delivered is the registered proprietor.

35. *Estate of transferee for valuable consideration of leasehold land with a declaration of absolute title of lessor.* A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held shall, when registered, be deemed to vest in the transferee the possession of the land transferred for all the leasehold estate described in the registered lease relating to such land, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject as follows:—

- (1) To all implied and express covenants, obligations, and liabilities incident to such estate; and
- (2) To the incumbrances (if any) entered on the register; and
- (3) Unless the contrary is expressed on the register, to such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared not

to be incumbrances in the case of registered freehold land; but free from all other estates and interests whatsoever, including estates and interests of her Majesty, her heirs and successors.

36. *Estate of transferee for valuable consideration of leasehold land with a declaration of qualified absolute title of lessor.* A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had a qualified title to grant the lease under which the land is held shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted from the effect of registration.

37. *Estate of transferee for valuable consideration of leasehold land without a declaration of title of lessor.* A transfer for valuable consideration of leasehold land registered without a declaration of the title of the lessor shall not affect the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held.

38. *Estate of voluntary transferee of leasehold land.* A transfer of leasehold land made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration.

39. *Implied covenants on transfer of leasehold estates.* On the transfer of any leasehold land under this Act, unless there be an entry on the register negating such implication, there shall be implied as follows (that is to say):

- (1) On the part of the transferor a covenant with the transferee that, notwithstanding anything by such transferor done, omitted, or knowingly suffered, the rent, covenants, and conditions reserved and contained by and in the registered lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and
- (2) On the part of the transferee, a covenant with the transferor that he, the transferee, his executors, administrators, or assigns, will pay, perform, and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessor to be paid, performed, and observed, and will keep the transferor, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims on account of the non-payment of the said rent or any part thereof, or the breach of the said covenants or conditions, or any of them.

Transfer of Charges.

40. *Transfer of charges on register.* The registered proprietor of any charge may, in the prescribed manner, transfer such charge to another person as proprietor. The transfer shall be completed by the registrar entering on the register the transferee as proprietor of the charge transferred; the registrar shall also, if required, deliver to the transferee a fresh certificate of charge, but the transferor shall be deemed to remain proprietor of such charge until the name of the transferee is entered on the register in respect thereof.

Transmission of Land and Charges.

41. *Transmission on death of freehold land.* On the death of the sole registered proprietor, or of the survivor of several joint registered proprietors of any freehold land, such person shall be registered as proprietor in the place of the deceased proprietor or proprietors as may, on the application of any person interested in the land, be appointed by the registrar, regard being had to the rights of the several persons interested in such land, and in particular to the selection of such person

as may for the time being appear to the registrar to be entitled according to law to be so appointed, subject to an appeal to the court in the prescribed manner by any person aggrieved by any order of the registrar under this section.

42. *Transmission on death of leasehold land or of charge.* On the death of the sole registered proprietor, or of the survivor of several joint registered proprietors of any leasehold land or of any charge, the executor or administrator of such deceased proprietor, or of the survivor of such joint proprietors, shall be entitled to be registered as proprietor in his place.

43. *Transmission on bankruptcy of land or charge.* Upon the bankruptcy of any registered proprietor of any land or charge, or on the liquidation of his affairs by arrangement, his trustee shall be entitled to be registered as proprietor in his place.

44. *Effect of marriage of female proprietor of freehold land.* The husband of any female registered proprietor of freehold land may apply to be registered as co-proprietor with his wife, but he shall be described on the register as co-proprietor in right of his wife, and on his death in her lifetime the original registry of the wife, with a change if necessary in the name, shall revive, and confer the same rights as if her husband had never been registered as co-proprietor with her, subject nevertheless to any registered disposition which may have been made by the husband and wife in the meantime. If the husband survives the wife he shall not be entitled to be registered as sole proprietor of the land, but there shall be registered as co-proprietor with him if he is entitled as tenant by the courtesy, and as sole proprietor in place of himself and his deceased wife if he is not entitled as tenant by the courtesy, such person as may, on the application of any person interested in right of the wife, be appointed by the registrar, with power for the registrar on a like application to appoint from time to time another person or other persons in the event of any person registered as co-proprietor with the husband dying in his lifetime.

Any person aggrieved by any order of the registrar under this section may appeal to the court in the prescribed manner.

45. *Effect of marriage of female proprietor of leasehold land or charge.* The husband of any female registered proprietor of leasehold land or of a charge may apply to be registered as proprietor in her place.

46. *Nature of title of registered fiduciary proprietor.* Any person registered in the place of a deceased or bankrupt proprietor shall hold the land or charge in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by law, and subject to any unregistered estates, rights, interests, or equities subject to which the deceased or bankrupt proprietor held the same; but, save as aforesaid, he shall in all respects, and in particular as respects any registered dealings with such land or charge, be in the same position as if he had taken such land or charge under a transfer for a valuable consideration.

47. *Evidence of transmission of registered proprietor.* The fact of any person having become entitled to any land or charge in consequence of the death or bankruptcy of any registered proprietor, or of the marriage of any female proprietor, shall be proved in the prescribed manner.

48. *Repeal and re-enactment (with amendments) of 37 & 38 Vict. c. 78, s. 5; not to apply to registered lands.* Section five of the Vendor and Purchaser Act, 1874, shall be repealed on and after the commencement of this Act, except as to anything duly done thereunder before the commencement of this Act; and, instead thereof, be it enacted, that upon the death of a bare trustee intestate as to any corporeal or incorporeal hereditament of which such trustee was seized in fee simple, such hereditament shall vest like a chattel real in the legal personal representative from time to time of such trustee; but the enactment by this section substituted for the aforesaid section of the Vendor and Purchaser Act, 1874, shall not apply to lands registered under this Act.

PART III.

UNREGISTERED DEALINGS WITH REGISTERED LAND.

49. *Effect of unregistered dispositions.* The registered proprietor alone shall be entitled to transfer or charge registered land by a registered disposition; but, subject to the maintenance of the estate and right of such proprietor, any person, whether the registered proprietor or not of any registered land

having a sufficient estate or interest in such land, may create estates, rights, interests, and equities in the same manner as he might do if the land were not registered; and any person entitled to or interested in any unregistered estates, rights, interests, or equities in registered land may protect the same from being impaired by any act of the registered proprietor by entering on the register such notices, cautions, inhibitions, or other restrictions as are in this Act in that behalf mentioned.

The registered proprietor alone shall be entitled to transfer a registered charge by a registered disposition; but, subject to the maintenance of the right of such proprietor, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject-matter admits, in and with which unregistered estates and interests may be created in registered land.

Notice of Leases.

50. *Lessee may apply for registration of notice of lease.* Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land made subsequently to the last transfer of the land on the register, where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds twenty-one years, or where the occupation is not in accordance with such lease or agreement, may apply to the registrar to register notice of such lease or agreement in the prescribed manner, and when so registered every registered proprietor of the land, and every person deriving title through him, excepting proprietors of incumbrances registered prior to the registration of such notice, shall be deemed to be affected with notice of such lease or agreement as being an incumbrance on the land in respect of which the notice is entered.

51. *Manner of registering notices of leases.* In order to register notice of a lease or agreement for a lease, if the registered proprietor of the land does not concur in such registry, the applicant shall obtain an order of the court, authorizing the registration of notice of such lease or agreement and shall deliver such order to the registrar, accompanied with the original lease or agreement or a copy thereof, and thereupon the registrar shall make a note in the register identifying the lease or agreement or copy so deposited, and the lease or agreement or copy so deposited shall be deemed to be the instrument of which notice is given; but if the registered proprietor concurs in such registry, notice may be entered in such manner as may be agreed upon.

Notice of Estates in Dower or by the Curtesy.

52. *Registration of notices of estates in Dower or by the Curtesy.* Any person entitled to an estate in dower or by the curtesy in any registered land may apply in the prescribed manner to the registrar to register notice of such estate; and the registrar, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form; and when so registered, such estate shall be an incumbrance appearing on the register, and shall be dealt with accordingly.

Cautions against Registered Dealings.

53. *Caution against registered dealings how to be lodged.* Any person interested under any unregistered instrument, or interested as a judgment creditor, or otherwise howsoever, in any land or charge registered in the name of any other person, may lodge a caution with the registrar to the effect that no dealing with such land or charge be had on the part of the registered proprietor until notice has been served upon the cautioner.

The caution shall be supported by an affidavit or declaration made by the cautioner or his agent in the prescribed form, and containing the prescribed particulars.

Provided, that a person interested under a lease or agreement for a lease of which notice has been entered on the register, or entitled to an estate in dower, or estate by the curtesy, of which notice has been entered on the register, shall not be entitled to a caution in respect of such lease or estate in dower or by the curtesy.

54. *Cautioner entitled to notice of proposed registered dealings.* After any such caution has been lodged in respect of any land or charge, the registrar shall not, without the consent of the cautioner, register any dealing with such land or charge until he has served notice on the cautioner, warning him that his caution will cease to have any effect after the expiration of the prescribed number of

days next ensuing the date at which such notice is served; and after the expiration of such time as aforesaid the caution shall cease unless an order to the contrary is made by the registrar, and upon the caution so ordering the land or charge shall be dealt with in the same manner as if no caution had been lodged.

55. *Registered dealings delayed on bond being given.* If before the expiration of the said period the cautioner, or some other person on his behalf, appears before the registrar, and gives sufficient security to indemnify every party against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the registrar may thereupon, if he thinks fit so to do, delay registering any dealing with the land or charge for such further period as he thinks just.

56. *Compensation for improper lodging of caution.* If any person lodges a caution with the registrar without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such caution such compensation as may be just, and such compensation shall be recoverable as a debt by the person who has sustained damage from the person who lodged the caution.

Any person aggrieved by any act done by the registrar in relation to cautions under this Act, may appeal to the court in the prescribed manner.

Inhibition against Registered Dealings without Order of Court

57. *Power of court or registrar to inhibit registered dealings.* The court, or, subject to an appeal to the court, the registrar, upon the application of any person interested, made in the prescribed manner, in relation to any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given and hearing such persons as the court or registrar thinks expedient, issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with any registered land or registered charge.

The court or registrar may make or refuse to make any such order or entry, and annex thereto any terms or conditions the court or registrar may think fit, and discharge such order or cancel such entry when granted, with or without costs, and generally act in the premises in such manner as the justice of the case requires.

Any person aggrieved by any act done by the registrar in pursuance of this section may appeal to the court in the prescribed manner.

Power of Registered Proprietor to impose Restrictions.

58. *Power to place restrictions on register.* Where the registered proprietor of any land is desirous for his own sake, or at the request of some person beneficially interested in such land, to place restrictions on transferring or charging such land, such proprietor may apply to the registrar to make an entry in the register that no transfer shall be made of or charge created on such land, unless the following things, or such of them as the proprietor may determine, are done (that is to say):

Unless notice of any application for a transfer or for the creation of a charge is transmitted by post to such address as he may specify to the registrar;

Unless the consent of some person or persons, to be named by such proprietor, is given to the transfer or the creation of a charge;

Unless some such other matter or thing is done as may be required by the applicant and approved by the registrar.

59. *Registrar to enter restrictions in register.* The registrar shall thereupon, if satisfied of the right of the applicant to give such directions, make a note of such directions on the register, and no transfer shall be made or charge created except in conformity with such directions; but it shall not be the duty of the registrar to enter any of the above directions, except upon such terms as to payment of fees and otherwise as may be prescribed, or to enter any restriction that the registrar may deem unreasonable, or calculates to cause inconvenience; and any such directions may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the registry to be interested in such directions, and shall also be subject to be set aside by the order of the court.

PART IV.

PROVISIONS SUPPLEMENTAL TO FOREGOING PARTS OF ACT.

Caution against Entry of Land on Register.

60. *Caution against registration of land.* Any person having or claiming such an interest in any land which is not already registered as entitles him to object to any disposition thereof being made without his consent, may lodge a caution with the registrar to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in prescribed manner, of any application that may be made for the registration of such land.

61. *Caution to be supported by affidavit.* The caution shall be supported by an affidavit or declaration in the prescribed form, stating the nature of the interest of the cautioner, the land to be affected by such caution, and such other matters as may be prescribed.

62. *Cautioner entitled to notice of proposed registration of land.* After a caution has been lodged in respect of any land, which has not already been registered, registration shall not be made of such land until notice has been served on the cautioner to appear and oppose, if he thinks fit, such registration, and the prescribed time has elapsed since the date of the service of such notice, or the cautioner has entered an appearance, which may first happen.

63. *Compensation for improper lodging of caution.* If any person lodges a caution with the registrar without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such caution such compensation as may be just, and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who has lodged the caution.

64. *Saving as to effect of caution.* A caution lodged in pursuance of this Act shall not prejudice the claim or title of any person, and shall have no effect whatever except as in this Act mentioned.

Crown Lands.

65. *Facilities for registration of Crown lands.* With respect to land or any estate, right, or interest in land vested in her Majesty, her heirs or successors, either in right of the Crown or of the Duchy of Lancaster, or otherwise, or vested in any public officer or body in trust for the public service, the public officer or body having the management thereof (if any), or, if none, then such person as her Majesty, her heirs or successors, may by writing under her or their sign manual appoint, may represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to such notices, and may make and enter any such application or caution, and do all such other acts, as any owner of land, or of any estate, right, or interest therein (as the case may be) is entitled to receive, make, enter, or do under this Act; and with respect to land or any estate, right, or interest in land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall for the time being, or as the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, may in writing appoint, may act as and represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to receive such notices, and may make and enter any such application or cautions, and do all such other acts as any owner of land or of any estate, right, or interest in land (as the case may be) is entitled to make, enter, or do under this Act.

66. *Registry of land below high-water mark.* If it appears to the registrar that any land, application for registration whereof is made to him, comprises land below high-water mark at ordinary spring tides, he shall not register the land unless and until he is satisfied that at least one month's notice in writing of the application has been given to the Board of Trade; and in case of land in the County Palatine of Lancaster, also to the proper officer of the Duchy of Lancaster; and in case of land in the counties of Cornwall or Devon, also to the proper officer of the Duke of Cornwall; and in all other cases also to the Commissioners of her Majesty's Woods, Forests, and Land Revenues.

As to Proceedings on and before Registration.

67. *Registration of lands of different tenures.* If it appears to the registrar that any land, application for registration whereof is made to him, comprises land of freehold tenure and also land of a tenure other than freehold intermixed and

undistinguishable, he may, notwithstanding anything in this Act, register the land, but he shall enter notice on the register in such manner as he thinks fit of the facts relating to the tenure of the land, and the tenure of the portion of the land other than freehold shall remain unaffected by the registration.

68. *Trustees may sell by medium of registrar.* Any person holding land on trust for sale, and any trustee, mortgagee, or other person having a power of selling land, may authorize the purchaser to make an application to be registered as first proprietor with any title which a proprietor is authorized to be registered with under this Act, and may consent to the performance of the contract being conditional on his being so registered, or may himself apply to be registered as such proprietor with the consent of the persons (if any) whose consent is required to the exercise by the applicant of his trust or power of sale; and the amount of all costs, charges, and expenses properly incurred by such person in or about such application shall in all cases be ascertained and declared by the registrar, and shall be deemed to be costs, charges, and expenses properly incurred by such person in the execution of his trust or in pursuance of his power; and such person may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he shall not be liable to any account in equity in respect thereof.

69. *Registration of part owners.* Any two or more persons entitled for their own benefit, concurrently or successively, or partly in one mode and partly in another, to such estates, rights, or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as proprietor of the land, may (subject as in this Act mentioned with respect to the number of persons to be registered in respect of the same land), apply to the registrar to be registered as joint proprietors, in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that any individual proprietor may be registered.

70. *Instruments and facts affecting the title to be disclosed on registration.* Before the completion of the registration of any land in respect of which an examination of title is required, the vendor and his solicitor, in cases where the applicant is a person who has contracted to buy such land, and in all other cases the applicant for registration and his solicitor, shall each, if required by the registrar, make an affidavit or declaration that to the best of his knowledge and belief all deeds, wills, and instruments of title, and all charges and incumbrances affecting the title to the land which is the subject of the application, and all facts material to such title, have been disclosed in the course of the investigation of title made by the registrar. The registrar may require any person making an affidavit or declaration in pursuance of this section to state in his affidavit or declaration what means he has had of becoming acquainted with the several matters referred to in this section; and if the registrar is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete the registration until such further or other evidence is produced.

71. *Production of deeds.* When an application has been made to the registrar for the registration of any land, if any person has in his possession or custody any deeds, instruments, or evidences of title relating to or affecting such land, to the production of which the applicant, or any trustee for him, is entitled, the registrar may require such person to show cause, within a time limited, why he should not produce such deeds, instruments, or evidences of title to the registrar, or otherwise, as the registrar may deem fit; and, unless cause is shown to the satisfaction of the registrar within the time limited, such deeds, instruments, and evidences of title may be ordered by the registrar to be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms, as the registrar thinks fit.

Any person aggrieved by any order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar with or without modification.

If any person disobey any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

72. Deeds to be marked with notice of registration.] A person shall not be registered as proprietor of land until, if required by the registrar, he has produced to him such documents of title as will in the opinion of the registrar, when stamped or otherwise marked, give notice to any purchaser or other person dealing with such land of the fact of the registration, and the registrar shall stamp or otherwise mark the same accordingly, or until he has otherwise satisfied the registrar that the fact of such registration cannot be concealed from a purchaser or other person dealing with the land.

73. Costs of application for registry.] All costs, charges, and expenses that are incurred by any parties in or about any proceedings for registration of land shall, unless the parties otherwise agree, be taxed by the taxing officer of the Court of Chancery as between solicitor and client, but the persons by whom and the proportions in which such costs, charges, and expenses are to be paid shall be in the discretion of the registrar, and shall be determined according to orders of the registrar, regard being had to the following provision, namely, that any applicant under this Act is liable *prima facie* to pay all costs, charges, and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or where any costs, charges, or expenses are incurred unnecessarily or improperly, and subject to this proviso, that any party aggrieved by any order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar, with or without modification.

If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

Doubtful Questions arising on Title.

74. Registrar may state case for court of law or direct issue.] Whenever, upon the examination of the title to any land the registrar entertains a doubt as to any matter of law or fact arising upon such title, he may, upon the application of any party interested in such land, refer a case for the opinion of any of her Majesty's superior courts, with power for the court to direct an issue to be tried before any jury for the purpose of determining any fact; the registrar may also name the parties to such case, and the manner in which the proceedings in relation thereto are to be brought before the court to which such case is referred.

75. Opinion of court or decision of jury, how far conclusive.] The opinion of any court to whom any case is referred by the registrar shall be conclusive on all the parties to such case, unless the court before whom such case is heard permits an appeal to be had.

76. Intervention of court in case of incapacitated persons.] Where any infants, married women, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or persons yet unborn, are interested in the land in respect of the title to which any question arises as aforesaid, any other persons interested in such land may apply to "the court," as defined by this Act, for a direction that the opinion of the court to whom the case is referred under this Act shall be conclusively binding on such infants, married women, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or unborn persons.

77. Power of court to bind interests of incapacitated persons.] The court as defined by this Act shall hear the allegations of all parties appearing before it. It may disapprove altogether or may approve, either with or without modification, of the directions of the registrar in respect to any case referred as to the title of land; it may also, if necessary, appoint a guardian or other person to appear on behalf of any infants, married women, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or unborn persons; and if such court is satisfied that the interests of the persons labouring under disability, absent, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions (if any) named in the order, are to be conclusively bound, and thereupon all persons, with such exceptions (if any) as aforesaid, shall be conclusively bound by any decision of the court having cognizance of the case in which such persons are concerned.

As to Land Certificates, Office Copies of Leases, and Certificates of Charge.

78. Loss of land certificate, or certificate of charge, or office copy of lease.] If any land certificate or office copy of a registered lease or certificate of charge is lost, mislaid, or destroyed, the registrar may, upon being satisfied of the fact of such loss, mislaying, or destruction, grant a new land certificate or office copy or certificate of charge in the place of the former one.

79. Renewal of land certificate, or certificate of charge, or office copy of lease.] The registrar may, upon the delivery up to him of a land certificate or of an office copy of a registered lease or of a certificate of charge, grant a new land certificate or office copy of a lease or certificate of charge in the place of the one delivered up.

80. Land certificate, certificate of charge, and office copy of lease to be evidence.] Any land certificate or certificate of charge shall be *prima facie* evidence of the several matters therein contained, and the office copy of a registered lease shall be evidence of the contents of the registered lease.

81. Effect of deposit of land certificate.] Subject to any registered estates, charges, or rights, the deposit of the land certificate in the case of freehold land, and of the office copy of the registered lease in the case of leasehold land, shall, for the purpose of creating a lien on the land to which such certificate or lease relates, be deemed equivalent to a deposit of the title deeds of the land.

Special Hereditaments.

82. Registry of advowsons and other special hereditaments.] The registrar may register the proprietor of any advowson, rent, tithes impropriate, or other incorporeal hereditament of freehold tenure, enjoyed in gross, also the proprietor of any mines or minerals where the same have been severed from the land, in the same manner and with the same incidents in and with which he is by this Act empowered to register land, or as near thereto as circumstances admit.

The registrar may also in the prescribed manner register any fee farm grant, or other grant, reserving rents or services to which the fee simple estate in any freehold land about to be registered or registered may be subject, with such particulars of the land or services, and the conditions annexed to the non-payment or non-performance or otherwise of such rent and services as may be prescribed, and any record so made shall be conclusive evidence as to the rents, services, and conditions so recorded, and such fee simple estate as last aforesaid shall be subject thereto accordingly.

General Provisions.

83. Enactments as to registration.] The following enactments shall be made with respect to registration of title:

- (1) There shall not be entered on the register or be receivable by the registrar, any notice of any trust, implied, express, or constructive; and
- (2) No person shall be registered as proprietor of any undivided share in any land or charge, and a number of persons exceeding the prescribed number shall not be registered as proprietors of the same land or charge; and if the number of persons showing title exceeds such prescribed number, such of them not exceeding the prescribed number as may be agreed upon, or as the registrar may in case of difference decide, shall be registered as proprietors; and
- (3) Upon the occasion of the registry of two or more persons as proprietors of the same land or of the same charge, an entry may, with their consent, be made on the register, to the effect that when the number of such proprietors is reduced below a certain specified number, no registered disposition of such land or charge shall be made, except under the order of the court; and
- (4) Where land is registered in the names of husband and wife as co-proprietors, no registered disposition of such land shall take place until the wife, if alive, has been examined in the prescribed manner and has assented to such disposition after full explanation of her rights in the land and of the effect of the proposed disposition; and
- (5) Registered land shall be described in such manner as the registrar thinks best calculated to secure accuracy, but such description shall not be conclusive as to the boundaries or extent of the registered land; and

- (6) No alteration shall be made in the registered description of land, except under the order of the court or by way of explanation; but this provision shall not be construed to extend to registered dealings with registered land in separate parcels by the registered description although such land was originally registered as one estate; and
- (7) Previously to registering any proposed purchaser as first proprietor of any land or to registering any disposition of land, it shall be the duty of the registrar to ascertain that all such stamp duties have been satisfied as would be payable if the land had been conveyed by an unregistered disposition to such proposed purchaser, or the disposition to be registered had been an unregistered disposition:
- (8) The provisions of this Act with respect to the liability of registered land to succession duty and to the grant of a certificate by the Commissioners of Inland Revenue in respect of the exemption from succession duty, and to the notification of such exemption on the register, and to the effect of such notification, shall apply with the necessary variations to a registered charge under this Act.

84. *Annexation of conditions to registered land.*] Where any land is about to be registered, or any registered land is about to be transferred to a purchaser for valuable consideration, there may be registered as annexed thereto, subject to general rules and in the prescribed manner, a condition that such land or any specified portion thereof is not to be built on, or is to be or not to be used in a particular manner, or any other condition running with or capable of being legally annexed to land, and the first proprietor and every transferee and every other person deriving title from him, shall be deemed to be affected with notice of such condition; nevertheless, any such condition may be modified or discharged by order of the court, on proof to the satisfaction of the court that such modification will be beneficial to the persons principally interested in the enforcement of such condition.

85. *Registered lands to be within the Trustee Act, 1850.*] All the provisions of the Trustee Act, 1850, and of any Act amending the same, shall apply to land and charges registered under this Act, but this enactment shall not prejudice the applicability to such land and charges of any provisions of such Acts relating to land or choses in action.

86. *Indemnity of registrar.*] The registrar shall not, nor shall the assistant registrar nor any person acting under his authority, or under any order or general rule made in pursuance of this Act, be liable to any action, suit, or proceedings for or in respect of any act or matter bona fide done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or any order or general rule made in pursuance of this Act.

As to Married Women.

87. *Provision as to married women.*] Where a married woman, entitled to her separate use, and not restrained from anticipation, is desirous of giving any consent, or becoming party to any proceeding under this Act, she shall be deemed to be an unmarried woman, but when any other married woman is desirous of giving any consent, or becoming party to any proceeding under this Act she shall be examined in the prescribed manner, and it shall be ascertained that she is acting freely and voluntarily, and the court may, where it sees fit, appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and may from time to time remove or change such next friend.

As to Infants and Lunatics.

88. *Provision as to other persons under disability.*] Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding in relation to any land or charge under this Act, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such act, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as

aforesaid, being infant, idiot, or lunatic, or where any person is of unsound mind or incapable of managing his affairs, but has not been found lunatic under an inquisition, it shall be lawful for the court to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian.

As to Notices.

89. *Address of persons on register.*] Every person whose name is entered on the register as proprietor of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish to the registrar a place of address in the United Kingdom.

90. *Service of notices.*] Every notice by this Act required to be given to any person shall be served personally, or sent through the post in a registered letter marked "Office of Land Registry," and directed to such person at the address furnished to the registrar, and unless returned shall be deemed to have been received by the person addressed within such period, not less than seven days, exclusive of the day of posting, as may be prescribed.

91. *Return of notices by post-office.*] Her Majesty's Postmaster-General shall give directions for the immediate return to the registrar of all letters marked as aforesaid, and addressed to any person who cannot be found, and on the return of any letter containing any notice, the registrar shall act in the matter requiring such notice to be given in manner prescribed.

92. *Purchasers not affected by omission to send notices.*] A purchaser for valuable consideration shall not be affected by the omission to send any notices by this Act directed to be given, or by the non-receipt thereof.

Specific Performance.

93. *Power of court in suit for specific performance.*] Where a suit is instituted for the specific performance of a contract relating to registered land, or a registered charge, the court having cognizance of such suit may by summons, or by such other mode as it deems expedient, cause all or any parties who have registered estates or rights in such land or charge, or have entered up notices, cautions, or inhibitions against the same, to appear in such suit, and show cause why such contract should not be specifically performed, and the court may direct that any order made by the court in such suit shall be binding on such parties or any of them.

94. *Costs in suit for specific performance.*] All costs incurred by any parties so appearing in a suit to enforce against a vendor specific performance of his contract to sell registered land or a registered charge shall be taxed as between solicitor and client, and, unless the court otherwise orders, be paid by such vendor.

Rectification of the Register.

95. *Establishment of adverse title to land.*] Subject to any estates or rights acquired by registration in pursuance of this Act, where any court of competent jurisdiction has decided that any person is entitled to any estate, right, or interest in or to any registered land or charge, and as a consequence of such decision such court is of opinion that a rectification of the register is required, such court may make an order directing the register to be rectified in such manner as it thinks just.

96. *Register to be rectified under order of court.*] Subject to any estates or rights acquired by registration in pursuance of this Act, if any person is aggrieved by any entry made or by the omission of any entry from the register under this Act, or if default is made, or unnecessary delay takes place in making any entry in the register, any person aggrieved by such entry, omission, default, or delay may apply to the court in the prescribed manner for an order that the register may be rectified, and the court may either refuse such application with or without costs, to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register.

97. *Registrar to obey orders of court.*] The registrar shall obey the order of any competent court in relation to any registered land on being served with such order or an official copy thereof.

As to Fraud.

98. *Fraudulent dispositions.*] Subject to the provisions in this Act contained with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

99. *Suppression of deeds and evidence.*] If in the course of any proceedings before the registrar or the court in pursuance of this Act any person concerned in such proceedings as principal or agent, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document or of any fact, the person so suppressing, attempting to suppress, or privy to suppression, shall be guilty of a misdemeanour, and upon conviction on indictment shall be liable to be imprisoned for a term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred pounds as the court before which he is tried may award.

100. *Certain fraudulent acts declared to be misdemeanour.*] If any person fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of any entry on the register, or of any erasure from the register or alteration of the register, such person shall be guilty of a misdemeanour, and upon conviction on indictment be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred pounds as the court before which he is tried may award; and any entry, erasure, or alteration so made by fraud shall be void as between all parties or privies to such fraud.

101. *False declarations.*] If any person in any affidavit or declaration required or authorized to be made for any purpose under this Act, or any order or general rules made in pursuance thereof, wilfully makes a false statement in any material particular, he shall be guilty of a misdemeanour, and upon conviction on indictment shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, or to be fined such sum not exceeding five hundred pounds as the court before which he is tried may award.

102. *Saving of civil remedy.*] No proceeding or conviction for any act declared by this Act to be a misdemeanour shall affect any remedy which any person aggrieved by such act may be entitled to, either at law or in equity.

103. *Saving of obligation to make discovery.*] Nothing in this Act contained shall entitle any person to refuse to make a complete discovery by answer in any legal proceeding, or to answer any question or interrogatory in any civil proceeding, in any court of law or equity, or in the courts of bankruptcy; but no answer to any such bill, question, or interrogatory shall be admissible in evidence against such person in any criminal proceeding under this Act.

Inspection of Register.

104. *Inspection of documents.*] Subject to such regulations and exceptions and to the payment of such sums as may be fixed by general rules, any person registered as proprietor of any land or charge, and any person authorized by any such proprietor, or by an order of the court, or by general rule, but no other person, may inspect and make copies of and extracts from any register or document in the custody of the registrar relating to such land or charge.

Saving Clause.

105. *Saving clause as to escheat.*] Nothing in this Act contained shall affect any right of her Majesty to any escheat or forfeiture.

PART V.

ADMINISTRATION OF LAW AND MISCELLANEOUS.

(1) *Office of Land Registry.*

106. *Office of land registry, and appointment and payment of officers.*] There shall be an office in London to be called the Office of Land Registry, the business of which shall be conducted by a registrar to be appointed by the Lord Chancellor, with such number of officers (namely, assistant registrars, clerks, messengers, and servants) as the Lord Chancellor, with the concurrence of the Commissioners of her

Majesty's Treasury as to number, may from time to time appoint.

A person shall not be qualified to be appointed registrar unless he is a barrister of not less than ten years' standing, and a person shall not be qualified to be appointed an assistant registrar unless he is either barrister or solicitor or certificated conveyancer of not less than five years' standing.

The registrar, assistant registrars, clerks, messengers, and servants shall receive such salaries or remuneration as the Commissioners of her Majesty's Treasury may from time to time direct.

The salaries of the registrar, assistant registrar, clerks, messengers, and servants, and such incidental expenses of carrying this Act into effect as may be sanctioned by the Commissioners of her Majesty's Treasury, shall be paid out of moneys provided by Parliament.

The Lord Chancellor may from time to time make regulations for the office of land registry, and for assigning the duties to the respective officers, and determining the acts of the registrar which may be done by the assistant registrar, and may from time to time revoke and alter any such regulations, and make new regulations. All such regulations for the time being in force shall have effect as if they were enacted in this Act.

107. *Seal of office of land registry.*] There shall be a seal for the office of land registry.

108. *Registrar to frame and promulgate forms.*] Subject to the provisions of this Act, the registrar shall conduct the whole business of registering land under this Act; he shall frame and cause to be printed and circulated or otherwise promulgated such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act.

109. *Power of registrar to summon witnesses.*] The registrar or any officer of the registry office authorized by him in writing may administer an oath or take a voluntary declaration in pursuance of the Acts in that behalf for any of the purposes of this Act, and the registrar may, by summons under the seal of the office, require the attendance of all such persons as he may think fit in relation to the registration of any title; he may also, by a like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce such map, survey, or book for his inspection; he may examine upon oath any person appearing before him and administer an oath accordingly; and he may allow to every person summoned by him the reasonable charges of his attendance.

Any charges allowed by the registrar in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration of land, and may be dealt with accordingly.

110. *Non-attendance or refusal to answer questions.*] If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of such summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under the provisions of this Act, or to answer upon oath or otherwise such questions as may be lawfully put to him by the registrar under the powers of this Act, he shall incur a penalty not exceeding twenty pounds, to be recovered on summary conviction; provided that no person shall be required to attend in obedience to any summons or to produce such documents as aforesaid unless the reasonable charges of his attendance and of the production of such documents be paid or tendered to him.

111. *Power of Lord Chancellor to make general rules.*] Subject to the provisions of this Act, the Lord Chancellor may, with the advice and assistance of the registrar, from time to time make, and when made may rescind, amend, or add to, general rules in respect of all or any of the following matters; that is to say,

- (1) The mode in which the register is to be made and kept; and
- (2) The forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings before the registrar or in connection with registration, and in particular with respect to the reference to a conveying counsel of the Court of Chancery of any title to land proposed to be registered with an absolute title; and

- (3) The custody of any instruments from time to time coming into the hands of the registrar, with power to direct the destruction of any such instruments where they have become altogether superseded by entries in the register, or have ceased to have any effect;
- (4) The costs to be charged by solicitors or certificated conveyancers in or incidental to or consequential on the registration of land, or any other matter required to be done for the purpose of carrying this Act into execution, with power to require such costs to be payable by commission, per-centage, or otherwise, and to bear a certain proportion to the value of the land registered, or to be determined on such other principle as may be thought expedient; and
- (5) The taxation of such costs and the persons by whom such costs are to be paid; and
- (6) Any matter by this Act directed or authorized to be prescribed; and
- (7) Any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution:

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the next session of Parliament.

112. *Principles on which fees determined.*] The Lord Chancellor may from time to time, with the concurrence of the Commissioners of the Treasury, make, and when made revoke, alter, or add to, rules with respect to the amount of fees payable under this Act, regard being had to the following matters:

- (1) In the case of the registration of land or of any transfer of land on the occasion of a sale—to the value of the land as determined by the amount of purchase-money; and
- (2) In the case of the registration of land, or of any transfer of land not upon a sale—to the value of the land, to be ascertained in such manner as may be prescribed; and
- (3) In the case of registration of a charge or of any transfer of a charge—to the amount of such charge.

113. *Made of taking fees.*] The following rules shall be observed with respect to the fees payable in pursuance of this Act:

- (1) The fees shall, except so far as the Lord Chancellor, with the concurrence of the Commissioners of her Majesty's Treasury, may from time to time otherwise direct, be taken by stamps; and if not taken by stamps, shall be taken, applied, accounted for, and paid over in such manner as may be directed by the Commissioners of her Majesty's Treasury with the concurrence of the Lord Chancellor; and
- (2) Such stamps shall be impressed or adhesive, as the Commissioners of her Majesty's Treasury from time to time direct; and
- (3) The Commissioners of her Majesty's Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for regulating the use of such stamps, and for insuring the proper cancellation of stamps, and for keeping accounts of such stamps; and
- (4) The Commissioners of Inland Revenue shall keep a separate account of all money received in respect of stamps under this Act, and subject to the deduction of any expenses incurred by those commissioners in the execution of this Act, the money so received shall, under the direction of the Commissioners of her Majesty's Treasury, be carried to and form part of the Consolidated Fund;
- (5) Any person who forges or counterfeits any such stamp, or uses any such stamp, knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not

exceeding seven years, or to imprisonment, with or without hard labour, for a term not exceeding two years.

Description and Powers of the Court.

114. *"The court" to mean, according to circumstances, Court of Chancery and county court.*] For the purposes of this Act, "the court" shall mean the Court of Chancery or the county court, according as the one or other of such courts may be prescribed by the general rules made for carrying into effect this Act.

The county court shall, in cases where it has jurisdiction under this Act, have, for all the purposes of such jurisdiction, all the powers of the Court of Chancery.

Any jurisdiction of the Court of Chancery or county court under this Act may be exercised by any judge of the said court, whether sitting in open court or in chambers.

115. *Lord Chancellor may assign duties as to registry to particular judges.*] The Lord Chancellor may from time to time assign the duties vested in the Court of Chancery in relation to matters under this Act to any particular judge or judges of that court.

116. *Appeal from county court.*] Any person aggrieved by any order of a judge of a county court may, within the prescribed time and prescribed manner, appeal to the Court of Chancery.

The court on hearing such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the court below and of the appeal as may be agreeable to justice; and if the court alter or modify the order, such order so altered or modified shall be of the like effect as if it were the order of the county court. The Court of Chancery may also, in cases where the court thinks it expedient so to do, instead of making a final order, remit the case, with such directions as the court may think fit, to the court below.

117. *Appeal from Court of Chancery.*] Any person aggrieved by an order made under this Act by the Court of Chancery otherwise than on appeal from a county court, may appeal within the prescribed time, in the same manner, and with the same incidents in and with which orders made by the Court of Chancery on cases within the ordinary jurisdiction of such court may be appealed from.

As to District Registries.

118. *Power to form district registries by general orders.*] The Lord Chancellor, with the concurrence of the Commissioners of her Majesty's Treasury, shall have power by general orders from time to time to do all or any of the following things:

- (1) To create district registries for the purposes of registration of land within the defined districts respectively, and to alter any districts which shall have been so created; and
- (2) To direct, by notice to be published in the "London Gazette," when (upon or after the commencement of this Act) registration of land is to commence in any district, and the place at which lands are to be registered; and
- (3) To commence registration of land in any one or more district or districts, pursuant to any such notice; and
- (4) To appoint district registrars, assistant district registrars, clerks, messengers, and servants to perform the business of registration in any district which may from time to time be created a district for registration under this Act.

The Lord Chancellor may, with the like concurrence, from time to time make, rescind, alter, or add to any order made in pursuance of this section.

119. *Qualification of the district and assistant district registrar.*] A person shall not be qualified to be appointed district registrar under this Act unless he is a barrister or solicitor or certificated conveyancer of not less than ten years' standing, and a person shall not be qualified to be appointed an assistant district registrar under this Act unless he is either a barrister or solicitor or certificated conveyancer of not less than five years' standing. A district registrar or assistant

district registrar may, with the assent of the Lord Chancellor follow another calling.

120. *Seal for district registry.*] A seal shall be prepared for each district registry office, and any instrument purporting to be sealed with such seal shall be admissible in evidence, and if a copy, the same shall be admissible in like manner as the original.

121. *Powers of district registrar, and appeals from him.*] Subject to general rules each district registrar and assistant district registrar shall, as regards the land within his jurisdiction, have the same powers and indemnity as are herein given to the registrar and assistant registrar in the office of land registry, and there shall be the same appeal as in the case of the registrar; and any orders made by a district registrar or assistant district registrar may in like manner be made orders of and be enforced by the court: Provided always, that the Lord Chancellor may, by general rules, make provision for the duties of district registrar, as regards all or any of the proceedings preliminary to first registration, or as regards any matters which the district registrar has to determine, or any other matters being performed by the registrar or assistant registrar in the office of land registry, and for any district registrar in any cases obtaining directions from or acting with the sanction of such registrar or assistant registrar; and any such orders may from time to time be rescinded, altered, or annulled by the Lord Chancellor, and all orders made in pursuance of this section shall be of the same force as if inserted in this Act, and shall be judicially noticed.

122. *Application of general orders, &c., to districts.*] The general orders, rules, forms, directions, and fees for the time being applying to and payable in the office of land registry shall also apply to and be payable in all the district registries, subject to any alteration or addition for the time being made for any district by the Lord Chancellor, with the concurrence of the Commissioners of her Majesty's Treasury, as to fees.

(2) Temporary Provisions.

123. *Transfer of existing staff to new registry office.*] The registrar, assistant registrar, examiners of title, clerks, messengers, and servants at the time of the commencement of this Act attached to the office of land registry, shall from and after the commencement of this Act be attached to the office of land registry as constituted by this Act.

The registrar and other officers and persons so attached shall have the same relative rank, such rank being in the case of the assistant registrar above the rank of any other assistant registrar or any district registrar who may be appointed in pursuance of this Act, and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions or superannuation allowances, be entitled to the same pensions or superannuation allowances, as if this Act had not passed; and their service under this Act shall, as regards their claim to pension or superannuation allowance, be deemed a continuance of their former service, but in the event of any such officer being appointed to a new office in pursuance of this Act, service under the Land Registry Act, 1862, shall be deemed to be service under this Act for the purposes of entitling such last-mentioned officer to salary, superannuation, compensation, gratuity, or other allowances under the Superannuation Acts. The messengers and servants of the office of land registry shall, during the tenure of office by the existing registrar, be appointed and removed by him.

The Lord Chancellor may, by rules, distribute the business to be performed in the office of land registry as constituted under this Act amongst the several officers attached thereto by this section, in such manner as he may think just; and such officers shall perform such duties in relation to such business as may be directed by such rules, with this qualification, that the duties required to be performed by any officer shall be the same as or duties analogous to those which he performed previously to the passing of this Act.

The officers so attached as aforesaid, and their successors in office, shall for all the purposes of the Land Registry Act, 1862, so far as it will remain in operation after the passing of this Act, and for all the purposes of the Improvement of Land Act, 1864, and of the Mortgage Debiture Act, 1865, be deemed to be officers acting under the Land Registry Act, 1862, and having to discharge the duties belonging to officers acting under such Act.

124. *Transfer of books and papers.*] All books, documents, and papers in the possession of the office of land registry as

constituted before the passing of this Act, or of any person attached to or performing any ministerial duty in aid of such office, shall be dealt with in such manner as the Lord Chancellor may by order direct, and any person failing to comply with any order of the Lord Chancellor made for the purpose of giving effect to this section, shall be punished in the same manner as if he had been guilty of a contempt of the Court of Chancery.

125. *Registration under Act of 1862 to cease, &c.*] From and after the commencement of this Act, application for the registration of an estate under the Land Registry Act of 1862 shall not be entertained.

126. *Possible re-registration of estates already registered under the Act of 1862.*] From and after the commencement of this Act, the Lord Chancellor may, by order, provide for the registration under this Act, without cost to the parties interested, of all titles registered under the Land Registry Act, 1862, and care shall be taken in such order to protect any rights acquired in pursuance of registry under such last-mentioned Act, and any order so made by the Lord Chancellor shall have the same effect as if it were enacted in this Act; nevertheless it shall not be obligatory on any person interested in any estate registered under the said Land Registry Act, 1862, to cause such estate to be registered under this Act, and until such estate is registered under this Act, the Act of 1862 shall apply thereto in the same manner as if this Act had not passed.

Local Registries.

127. *Land registered under Act to be exempted from registry of deeds.*] Any land situate within the jurisdiction of any of the following local registries; that is to say,

- (1) The registry for the county of Middlesex; or
- (2) The registry for the West Riding of Yorkshire; or
- (3) The registry for the North Riding of Yorkshire; or
- (4) The registry for the East Riding of Yorkshire and the town and county of the town of Kingston-upon-Hull;

shall, if registered under this Act, from and after the date of the registration thereof, be exempt from such jurisdiction; and no document relating to any such registered land executed and no testamentary instrument relating to any such registered land coming into operation subsequently to such date as last aforesaid shall be required to be registered in any of the said local registries.

128. *Compensation to officers of local registries of deeds.*] If any person who is at the commencement of this Act a registrar or an officer in any of the said local registries, suffers any loss of fees or emoluments by reason of the business in such registry being diminished in consequence of this Act, he may petition the Commissioners of her Majesty's Treasury for compensation, and the Commissioners of her Majesty's Treasury shall inquire whether any, and if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which his appointment was made, the nature of his office, the duration of his service, the character of his fees or emoluments, and all the circumstances of the case. The petitioner shall render to the Commissioners of her Majesty's Treasury such account of the fees and emoluments received by him during any period not exceeding five years before the passing of this Act, and during such period before the date of his petition, and give such information as the Commissioners of her Majesty's Treasury may require for the purpose of enabling them to ascertain whether the petitioner has suffered the loss alleged by him, and whether any, and, if any, what compensation ought to be made to him.

If the Commissioners of her Majesty's Treasury think that the claim of the petitioner to compensation is established, they may award to him, out of moneys to be provided by Parliament, such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable.

129. *Repeal of 37 & 38 Vict. c. 78, s. 7.*] The seventh section of the Vendor and Purchaser Act, 1874, is hereby repealed, as from the date at which it came into operation, except as to anything duly done thereunder before the commencement of this Act.

CAP. LXXXVIII.

An Act to make provision for giving further powers to the Board of Trade for stopping Unseaworthy Ships.

[13th August, 1875.]

Be it enacted, &c.,

1. *Appointment and powers of officers having authority to detain unseaworthy ships.*] The Board of Trade may forthwith and from time to time by special order appoint a sufficient number of fit and proper persons, from their own staff or otherwise, to be officers having authority to detain unseaworthy ships, and may from time to time revoke any such appointment.

If any officer so appointed has reason to believe upon inspection or otherwise that any British ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he may order that the ship be detained for the purpose of being surveyed.

Any such order shall have the same effect as if it were an order of the Board of Trade under section twelve of the Merchant Shipping Act, 1873.

For the purpose of ascertaining whether a British ship is fit to proceed to sea, any officer so appointed may go on board the ship and inspect the same, or any part thereof, or any of the machinery, boats, equipments, or other articles on board thereof, not unnecessarily detaining or delaying her from proceeding on her voyage; and any person who wilfully impedes him in the execution of his duty shall be liable to the same penalties, and may be dealt with in the same manner, as if the officer were an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854.

When any officer so appointed orders a ship to be detained, he shall forthwith report his proceedings to the Board of Trade.

An officer so appointed shall receive such remuneration for his services under this Act as the Treasury from time to time direct, and such remuneration shall be paid out of moneys to be provided by Parliament.

2. *Ship to be detained on complaint of crew.*] Whenever a complaint is made to the Board of Trade or to any officer so appointed by one fourth of the seamen belonging to any British ship, that the ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, it shall be the duty of the Board or officer, as the case may be, if the complaint is made within time sufficient for that purpose before the sailing of the ship, without requiring any security for the payment of costs and expenses, to take proper steps for ascertaining whether the ship ought to be detained for the purpose of being surveyed under the Merchant Shipping Act, 1873.

3. *Cargo of grain, &c.*] From and after the first day of October, one thousand eight hundred and seventy-five, no cargo of more than one-third, consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, shall be carried on board any British ship, unless such grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise. This section shall not apply to any grain shipped previous to the first of October, one thousand eight hundred and seventy-five.

The master of any British ship who shall knowingly allow any cargo or part of a cargo to be shipped therein for carriage contrary to the provisions of this section shall for every such offence incur a penalty not exceeding two hundred pounds.

4. *Penalties on sending unseaworthy ships to sea.*] Section eleven of the Merchant Shipping Act, 1871, shall be repealed, and in lieu thereof it shall be enacted:—

(1) Every person who sends a ship to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered, and the managing owner of any British ship so sent to sea from any port in the United Kingdom, shall be guilty of a misdemeanour, unless he prove that he used all reasonable means to insure her being sent to sea in a seaworthy state, or prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and, for the purpose of giving such proof, such person may give evidence in the same manner as any other witness:

(2) Every person who attempts or is party to any attempt to send to sea any ship in such unseaworthy state that the life of any person would be likely to be thereby endangered, shall be guilty of a misdemeanour, unless he give such proof as aforesaid, and for the purpose of

giving such proof such person may give evidence as aforesaid:

(3) Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered shall be guilty of a misdemeanour, unless he prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof such person may give evidence as aforesaid:

(4) The owner of every British ship shall from time to time register at the Custom House of the port in the United Kingdom at which such ship is registered the name of the managing owner of such ship, and if there be no managing owner, then of the person to whom the management of the ship is intrusted by and on behalf of the owner; and in case the owner fail or neglect to register the name of such managing owner or manager as aforesaid he shall be liable, or if there be more owners than one, each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole five hundred pounds each time that the said ship leaves any port in the United Kingdom, after the first day of November, one thousand eight hundred and seventy-five, without the name being duly registered as aforesaid:

(5) The term "managing owner" in sub-section one shall include every person so registered as managing owner or as having the management of the ship for and on behalf of the owner:

(6) No prosecution under this section shall be instituted except by or with the consent of the Board of Trade:

(7) No misdemeanour under this section shall be punishable upon summary conviction.

Provided that the repeal enacted by this section shall not affect any punishment incurred or to be incurred in respect of any offence against the enactment hereby repealed, or any legal proceeding in respect of any such punishment, and any such legal proceeding may be carried on as if this Act had not passed.

5. *Marking of deck-lines.*] Every British ship registered on or after the first day of November, one thousand eight hundred and seventy-five, shall before registry, and every British ship registered before that day shall on or before that day, be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Provided that—

(1) This section shall not apply to ships employed in the coasting trade or in fishing, nor to pleasure yachts; and

(2) If a registered British ship is not within a British port of registry at any time before the first day of November, one thousand eight hundred and seventy-five, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

6. *Statement of load-line.*] With respect to the marking of a load-line on British ships, the following provisions shall have effect:

(1) From and after the first day of November, one thousand eight hundred and seventy-five, the owner of every British ship shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length, drawn through its centre:

(2) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage:

- (3) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of Customs, a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:
- (4) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards:
- (5) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made:
- (6) The master of the ship shall also enter a copy of this statement in the official log book:
- (7) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

7. *Penalty for offences in relation to marks on ships.* Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

8. *Proceedings may be taken against the Board of Trade by action against the principal secretary.* Where a claim of compensation under the Merchant Shipping Act, 1873, is made against the Board of Trade, and liability to pay compensation or the amount thereof is in dispute, proceedings may be taken against the Board of Trade by action against the principal secretary thereof as nominal defendant.

9. *Liability of shipowner to crew.* In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the part of the owner of the ship to the master, seaman, or apprentice, that the owner of the ship, his agents and servants, shall use all reasonable efforts to insure the seaworthiness of the ship for the voyage at the commencement thereof, and to keep her in a seaworthy condition during the voyage.

Provided that nothing in this section shall make the owner of a ship liable for the death of or any injury to a master, seaman, or apprentice belonging to any ship when caused by the wrongful act, neglect, or default of a seaman or apprentice belonging to the same ship, in any case where he would not otherwise be so liable.

10. *Short title.* This Act may be cited as the Merchant Shipping Act, 1875, and shall be construed with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1875.

11. *Duration of Act.* This Act shall continue in force until the first day of October one thousand eight hundred and seventy-six.

CAP. LXXXIX.

An Act to consolidate with amendments the Acts relating to Loans for Public Works. [13th August, 1875.]

CAP. XC.

An Act to enlarge the powers of County Courts in respect of disputes between employers and workmen, and to give other courts a limited civil jurisdiction in respect of such disputes. [13th August, 1875.]

Be it enacted, &c.:

Preliminary.

1. *Short title.* This Act may be cited as the Employers and Workmen Act, 1875.

2. *Commencement of Act.* This Act, except so far as it authorizes any rules to be made or other thing to be done at any time after the passing of this Act, shall come into operation on the first day of September one thousand eight hundred and seventy-five.

PART I.

Jurisdiction—Jurisdiction of County Court.

3. *Power of county court as to ordering of payment of money, set-off, and rescission of contract and taking security.* In any proceeding before a county court in relation to any dispute between an employer and a workman arising out of or incidental to their relation as such (which dispute is hereinafter referred to as a dispute under this Act) the court may, in addition to any jurisdiction it might have exercised if this Act had not passed, exercise all or any of the following powers; that is to say,

- (1) It may adjust and set-off the one against the other all such claims on the part either of the employer or of the workman, arising out of or incidental to the relation between them, as the court may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise; and,
- (2) If, having regard to all the circumstances of the case, it thinks it just to do so, it may rescind any contract between the employer and the workman upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages, or other sums due, as it thinks just; and,
- (3) Where the court might otherwise award damages for any breach of contract it may, if the defendant be willing to give security to the satisfaction of the court for the performance by him of so much of his contract as remains unperformed, with the consent of the plaintiff, accept such security, and order performance of the contract accordingly, in place either of the whole of the damages which would otherwise have been awarded, or some part of such damages.

The security shall be an undertaking by the defendant and one or more surety or sureties that the defendant will perform his contract, subject on non-performance to the payment of a sum to be specified in the undertaking.

Any sum paid by a surety on behalf of a defendant in respect of a security under this Act, together with all costs incurred by such surety in respect of such security, shall be deemed to be a debt due to him from the defendant; and where such security has been given in or under the direction of a court of summary jurisdiction, that court may order payment to the surety of the sum which has so become due to him from the defendant.

Court of Summary Jurisdiction.

4. *Jurisdiction of justices in disputes between employers and workmen.* A dispute under this Act between an employer and a workman may be heard and determined by a court of summary jurisdiction, and such court, for the purposes of this Act, shall be deemed to be a court of civil jurisdiction, and in a proceeding in relation to any such dispute the court may order payment of any sum which it may find to be due as wages, or damages, or otherwise, and may exercise all or any of the powers by this Act conferred on a county court: Provided that in any proceeding in relation to any such dispute the court of summary jurisdiction—

- (1) Shall not exercise any jurisdiction where the amount claimed exceeds ten pounds; and
- (2) Shall not make an order for the payment of any sum exceeding ten pounds, exclusive of the costs incurred in the case, and
- (3) Shall not require security to an amount exceeding ten pounds from any defendant or his surety or sureties.

5. *Jurisdiction of justices in disputes between masters and apprentices.* Any dispute between an apprentice to whom this Act applies and his master, arising out of or incidental to their relation as such, (which dispute is hereinafter referred to as a dispute under this Act,) may be heard and determined by a court of summary jurisdiction.

6. *Powers of justices in respect of apprentices.*] In a proceeding before a court of summary jurisdiction in relation to a dispute under this Act between a master and an apprentice, the court shall have the same powers as if the dispute were between an employer and a workman, and the master were the employer and the apprentice the workman, and the instrument of apprenticeship a contract between an employer and a workman, and shall also have the following powers:

- (1) It may make an order directing the apprentice to perform his duties under the apprenticeship; and
- (2) If it rescinds the instrument of apprenticeship it may, if it thinks it just so to do, order the whole or any part of the premium paid on the binding of the apprentice to be repaid.

Where an order is made directing an apprentice to perform his duties under the apprenticeship, the court may, from time to time, if satisfied after the expiration of not less than one month from the date of the order that the apprentice has failed to comply therewith, order him to be imprisoned for a period not exceeding fourteen days.

7. *Order against surety of apprentice, and power to friend of apprentice to give security.*] In a proceeding before a court of summary jurisdiction in relation to a dispute under this Act between a master and an apprentice, if there is any person liable, under the instrument of apprenticeship, for the good conduct of the apprentice, that person may, if the court so direct, be summoned in like manner as if he were the defendant in such proceeding to attend on the hearing of the proceeding, and the court may, in addition to or in substitution for any order which the court is authorized to make against the apprentice, order the person so summoned to pay damages for any breach of the contract of apprenticeship to an amount not exceeding the limit (if any) to which he is liable under the instrument of apprenticeship.

The court may, if the person so summoned, or any other person, is willing to give security to the satisfaction of the court for the performance by the apprentice of his contract of apprenticeship, accept such security instead of or in mitigation of any punishment which it is authorized to inflict upon the apprentice.

PART II.

Procedure.

8. *Mode of giving security.*] A person may give security under this Act in a county court or court of summary jurisdiction by an oral or written acknowledgment in or under the direction of the court of the undertaking or condition by which and the sum for which he is bound, in such manner and form as may be prescribed by any rule for the time being in force, and in any case where security is so given, the court in or under the direction of which it is given may order payment of any sum which may become due in pursuance of such security.

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules with respect to giving security under this Act.

9. *Summary proceedings.*] Any dispute or matter in respect of which jurisdiction is given by this Act to a court of summary jurisdiction shall be deemed to be a matter on which that court has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Act, but shall not be deemed to be a criminal proceeding; and all powers by this Act conferred on a court of summary jurisdiction shall be deemed to be in addition to and not in derogation of any powers conferred on it by the Summary Jurisdiction Act, except that a warrant shall not be issued under that Act for apprehending any person other than an apprentice for failing to appear to answer a complaint in any proceeding under this Act, and that an order made by a court of summary jurisdiction under this Act for the payment of any money shall not be enforced by imprisonment except in the manner and under the conditions by this Act provided; and no goods or chattels shall be taken under a distress ordered by a court of summary jurisdiction which might not be taken under an execution issued by a county court.

A court of summary jurisdiction may direct any sum of money, for the payment of which it makes an order under this Act, to be paid by instalments, and may from time to time rescind or vary such order.

Any sum payable by any person under the order of a court of summary jurisdiction in pursuance of this Act, shall be deemed to be a debt due from him in pursuance of a judgment of a competent court within the meaning of the fifth section of the Debtors Act, 1869, and may be enforced accordingly; and as regards any such debt a court of summary jurisdiction shall be a court within the meaning of the said section.

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules for carrying into effect the jurisdiction by this Act given to a court of summary jurisdiction, and in particular for the purpose of regulating the costs of any proceedings in a court of summary jurisdiction, with power to provide that the same shall not exceed the costs which would in a similar case be incurred in a county court, and any rules so made in so far as they relate to the exercise of jurisdiction under the said fifth section of the Debtors Act, 1869, shall be deemed to be prescribed rules within the meaning of the said section.

PART III.

Definitions and Miscellaneous.

Definitions.

10. *Definitions: "Workman."*] In this Act—

The expression "workman" does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

"The Summary Jurisdiction Act."] The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intitled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same.

The expression "court of summary jurisdiction" means—

- (1) As respects the City of London, the Lord Mayor or any alderman of the said City sitting at the Mansion House or Guildhall justice-room; and
- (2) As respects any police-court division in the metropolitan police district, any metropolitan police magistrate sitting at the police-court for that division; and
- (3) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police-court or other place appointed in that behalf; and
- (4) Elsewhere any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognizance of such justice or justices as last aforesaid, a complaint under this Act shall be heard and determined and an order for imprisonment made by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the City of London, or of any metropolitan police or stipendiary magistrate in respect of any act or jurisdiction which may now be done or exercised by him out of court.

11. *Set-off in case of factory workers.*] In the case of a child, young person, or woman subject to the provisions of the Factory Act, 1833 to 1874, any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work, except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work.

Application.

12. *Application to apprentices.*] This Act in so far as it

relates to apprentices shall apply only to an apprentice to the business of a workman as defined by this Act upon whose binding either no premium is paid, or the premium (if any) paid does not exceed twenty-five pounds, and to an apprentice bound under the provisions of the Acts relating to the relief of the poor.

Saving Clause.

13. *Saving of special jurisdiction, and seamen.*] Nothing in the this Act shall take away or abridge any local or special jurisdiction touching apprentices.

This Act shall not apply to seamen or to apprentices to the sea service.

PART IV.

Application of Act to Scotland.

14. *Application to Scotland.*] This Act shall extend to Scotland, with the modifications following: that is to say, *Definitions.* In this Act with respect to Scotland—

The expression "county court" means the ordinary sheriff court of the county:

The expression "the court of summary jurisdiction" means the small debt court of the sheriff of the county:

The expression "sheriff" includes sheriff substitute:

The expression "instrument of apprenticeship" means indenture:

The expression "plaintiff" or "complainant" means pursuer or complainer:

The expression "defendant" includes defender or respondent:

The expression "the Summary Jurisdiction Act" means the Act of the seventh year of the reign of his Majesty King William the Fourth and the first year of the reign of her present Majesty, chapter forty-one, intitled "An Act for the more effectual recovery of small debts in the sheriff courts, and for regulating the establishment of circuit courts for the trial of small debt causes by the sheriffs in Scotland," and the Acts amending the same.

The expression "surety" means cautioner:

This Act shall be read and construed as if for the expression "the Lord Chancellor," wherever it occurs therein, the expression "the Court of Session by act of sederunt" were substituted.

All jurisdictions, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs in their ordinary or small debt courts, as the case may be, who shall have full power to make any order on any summons, petition, complaint, or other proceeding under this Act, that any county court or court of summary jurisdiction is empowered to make on any complaint or other proceeding under this Act.

Any decree or order pronounced or made by a sheriff under this Act shall be enforced in the same manner and under the same conditions in and under which a decree or order pronounced or made by him in his ordinary or small debt court, as the case may be, is enforced.

PART V.

Application of Act to Ireland.

15. *Application to Ireland.*] This Act shall extend to Ireland, with the modifications following: that is to say,

The expression "county court" shall be construed to mean civil bill court:

The expression "Lord Chancellor" shall be construed to mean the Lord Chancellor of Ireland:

The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1861, and any Acts amending the same:

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:

The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and

elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions:

The expression "fifth section of the Debtors Act, 1869," shall be construed to mean "sixth section of the Debtors Act (Ireland), 1872."

CAP. XCI.

An Act to establish a Register of Trade Marks.

[13th August, 1875.]

Be it enacted, &c.:

1. *Registration of trade marks.*] A register of trade marks as defined by this Act, and of the proprietors thereof, shall be established under the superintendence of the Commissioners of Patents, and from and after the first day of July, one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by this Act until and unless such trade mark is registered in pursuance of this Act.

2. *Characteristics of registered trade mark.*] A trade mark must be registered as belonging to particular goods, or classes of goods, and when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in such particular goods or classes of goods, and shall be determinable with such goodwill, but subject as aforesaid registration of a trade mark shall be deemed to be equivalent to public use of such mark.

3. *Title of first proprietor of a trade mark.*] The registration of a person as first proprietor of a trade mark shall be prima facie evidence of his right to the exclusive use of such trade mark, and shall, after the expiration of five years from the date of such registration, be conclusive evidence of his right to the exclusive use of such trade mark, subject to the provisions of this Act, as to its connection with the goodwill of a business.

4. *Title of proprietor claiming by transmitted proprietorship.*] Every proprietor registered in respect to a trade mark subsequently to the first registered proprietor shall, as respects his title to that trade mark, stand in the same position as if his title were a continuation of the title of the first registered proprietor.

5. *Rectification of register.*] If the name of any person who is not for the time being entitled to the exclusive use of a trade mark in accordance with this Act, or otherwise in accordance with law, is entered on the register of trade marks as a proprietor of such trade mark, or if the registrar refuses to enter on the register as proprietor of a trade mark the name of any person who is for the time being entitled to the exclusive use of such trade mark in accordance with this Act, or otherwise in accordance with law, or if any mark is registered as a trade mark which is not authorized to be so registered under this Act, any person aggrieved may apply in the prescribed manner for an order of the court that the register may be rectified; and the court may either refuse such application, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may award damages to the party aggrieved.

Where each of several persons claims to be registered as proprietor of the same trade mark, the registrar may refuse to comply with the claims of any of such persons until their rights have been determined by the court, and the registrar may himself submit or require the claimants to submit in the prescribed manner their rights to the court.

The court may, in any proceeding under this section, decide any question as to whether a mark is or is not such a trade mark as is authorized to be registered under this Act, also any question relating to the right of any person who is party to such proceeding to have his name entered on the register of trade marks, or to have the name of some other person removed from such register, also any other question that it may be necessary or expedient to decide for the rectification of the registrar.

The court may direct an issue to be tried for the decision of any question of fact which may require to be decided for the purposes of this section.

Whenever any order has been made rectifying the register the court shall by its order direct that due notice of such rectification be given to the registrar.

6. *Restrictions on registry of trade marks.*] The registrar shall not, without the special leave of the court, be given

in the prescribed manner, register in respect of the same goods or classes of goods a trade mark identical with one which is already registered with respect to such goods or classes of goods, and the registrar shall not register with respect to the same goods or classes of goods a trade mark so nearly resembling a trade mark already on the register with respect to such goods or classes of goods as to be calculated to deceive.

It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would not, by reason of their being calculated to deceive or otherwise, be deemed entitled to protection in a court of equity; or any scandalous designs.

7. *Establishment of registry and general rules.* Subject as aforesaid, a register office shall be established from and after such time (not being later than the first day of January, one thousand eight hundred and seventy-six), in such manner and with such officers, and at such salaries, to be paid out of moneys provided by Parliament, as the Lord Chancellor may, with the consent of the Treasury, direct; and the Lord Chancellor may from time to time, with the assent of the Treasury as to fees, make, and, when made, alter, annul, or vary, such general rules as to the registry of trade marks, and as to notices to be given by advertisement before the registration of trade marks, and as to the classification of goods for the purposes of this Act, and as to the registration of first and subsequent proprietors of trade marks, and as to the fees to be charged for registration, and also for the continuance of a trade mark on the register or otherwise, and as to the removal from the register of any trade mark, as to notices, and as to the persons entitled to inspect the register, and as to any proceedings to be taken to obtain the judgment or leave of the court in any matter in which the judgment or leave of the court is required to be obtained under this Act, and generally for the purpose of carrying into effect this Act, as he may deem expedient.

Any rules made in pursuance of this section shall be laid before both Houses of Parliament if Parliament be then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament, and shall be of the same validity as if they had been enacted by Parliament; provided that if either House of Parliament resolve, within one month after such rules have been laid before such House, that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice, nevertheless, to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

8. *Certificate of registrar to be evidence.* The certificate of the registrar as to any entry, matter, or thing which he is authorized by this Act, or any general rules made thereunder, to make or do, shall be evidence of such entry having been made, and of the contents thereof, and of such matters and things having been done or left undone.

9. *Provision as to Cutlers' Company and Sheffield corporate marks.* With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called "the Cutlers' Company"), and the marks or devices (in this Act called "Sheffield corporate marks") assigned or to be assigned by the master, wardens, searchers, and assistants of that company, be it enacted as follows:

- (1) Within the prescribed time and in the prescribed manner the Cutlers' Company shall at their own expense deliver to the registrar under this Act copies of all Sheffield corporate marks in force at the time of such delivery:
- (2) When any person, after the passing of this Act, applies to the said master, wardens, searchers, and assistants as assign to him any mark or device, notice of such application, with a copy of such mark or device, shall, within the prescribed time and in the prescribed manner, be delivered to the registrar under this Act; and such mark or device shall not be assigned until after the expiration of the prescribed period from the giving of such notice. In like manner, when any person applies for the registration under this Act of a trade mark as belonging to any goods or class of goods specified in section two of the Cutlers' Company's Act of 1860, notice of such appli-

cation, with a copy of such trade mark, shall, within the prescribed time and in the prescribed manner, be delivered to the Cutlers' Company; and such trade mark shall not be registered until after the expiration of the prescribed period from the giving of the last-mentioned notice:

- (3) Upon the assigning of any such mark or device, or the registration of any such trade mark as aforesaid, notice of the assignment or registration shall, within the prescribed time and in the prescribed manner, be given to the registrar under this Act, or to the Cutlers' Company, as the case may be:
- (4) The registrar under this Act, without the special leave of the court, to be given only in cases where the applicant proves his right, shall not in respect of any goods or classes of goods with respect to which a Sheffield corporate mark shall have been assigned and actually used, and of which mark a copy or description or notice of the assigning whereof shall have been delivered or given to the registrar as aforesaid, register a trade mark identical with such Sheffield corporate mark, or so nearly resembling the same as to be calculated to deceive:
- (5) The master, wardens, searchers, and assistants of the Cutlers' Company shall not assign to any person a mark or device identical with any trade mark registered under this Act, and notice of the registration whereof shall have been given to the Cutlers' Company as aforesaid, or so nearly resembling the same as to be calculated to deceive:
- (6) Any person to whom a Sheffield corporate mark legally belongs shall be entitled to have the same mark registered also as a trade mark under this Act, in respect of any particular goods or classes of goods, in the same manner and upon the same terms and conditions in and upon which he might have registered the same if it were not a Sheffield corporate mark:
- (7) Nothing in this Act shall prejudice or affect the rights and privileges of the Cutlers' Company, nor, save as is otherwise in this Act expressly provided, shall any of the provisions of this Act apply to or in the case of any Sheffield corporate mark.

10. *Definitions.* For the purpose of this Act: A trade mark consists of one or more of the following essential particulars; that is to say,
A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or
A written signature or copy of a written signature of an individual or firm; or
A distinctive device, mark, heading, label, or ticket; and there may be added to any one or more of the said particulars any letters, words, or figures, or combination of letters, words, or figures; also

Any special and distinctive word or words or combination of figures or letters used as a trade mark before the passing of this Act may be registered as such under this Act.

"Prescribed" means prescribed by general rules made in pursuance of this Act; and

"Court" means any of her Majesty's superior courts of law or equity at Westminster, or any court to which the jurisdiction of such courts may be transferred, or any one or more of such courts which may be declared to be the court for the purposes of this Act by such general rules as aforesaid; but the provisions of this Act conferring a special jurisdiction on the court as above defined shall not, excepting so far as such jurisdiction extends, affect the jurisdiction of any court in Scotland or Ireland in causes, actions, suits, or proceedings relating to trade marks; and if the registrar requires to be rectified in consequence of any proceedings in any such court in Scotland or Ireland, due notice of such requirements shall be given to the registrar, and he shall rectify the register accordingly.

11. *Short title of Act.* This Act may be cited for all purposes as the Trade Marks Registration Act, 1875.

CAP. XCII.

An Act for amending the Law relating to Agricultural Holdings in England. [13th August, 1875.]

Be it enacted, &c. :

Preliminary.

1. *Short title.*] This Act may be cited as the Agricultural Holdings (England) Act, 1875.

2. *Commencement of Act.*] This Act shall commence from and immediately after the fourteenth day of February, one thousand eight hundred and seventy-six.

3. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.

4. *Interpretation.*] In this Act—

"Contract of tenancy" means a letting of land for a term of years, or for lives, or for lives and years, or from year to year, or at will :

"Determination of tenancy" means the cesser of a contract of tenancy by reason of effluxion of time or from any other cause :

"Landlord" means the person for the time being entitled to possession of land subject to a contract of tenancy, or entitled to receipt of rent reserved by a contract of tenancy, whatever be the extent of his interest, and although the land or his interest therein is incumbered or charged by himself or his settlor, or otherwise, to any extent; the party to a contract of tenancy under which land is actually occupied being alone deemed to be the landlord in relation to the actual occupier :

"Tenant" means the holder of land under a contract of tenancy :

"Landlord" or "tenant" includes the agent authorized in writing to act under this Act generally, or for any special purpose, and the executors, administrators, assigns, husband, guardian, committee of the estate, or trustees in bankruptcy, of a landlord or tenant :

"Holding" includes all land held by the same tenant of the same landlord for the same term under the same contract of tenancy :

"Absolute owner" means the owner or person capable of disposing, by appointment or otherwise, of the fee simple or whole interest of or in freehold, copyhold, or leasehold land, although the land or his interest therein is mortgaged, encumbered, or charged to any extent :

"County court," in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate :

"Person" includes a body of persons and a corporation aggregate or sole.

The designations of landlord and tenant shall, for the purposes of this Act, continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this Act on the determination of the tenancy.

Compensation.

5. *Tenant's title to compensation.*] Where, after the commencement of this Act, a tenant executes on his holding an improvement comprised in either of the three classes following :

FIRST CLASS.

Drainage of land.	Making or improving of watercourses, ponds, wells, or reservoirs, or of works for supply of water for agricultural or domestic purposes.
Erection or enlargement of buildings.	Making of fences.
Laying down of permanent pasture.	Planting of hops.
Making and planting of osier beds.	Planting of orchards.
Making of water meadows or works of irrigation.	Reclaiming of waste land.
Making of gardens.	Warping of land.
Making or improving of roads or bridges.	

SECOND CLASS.

Boning of land with undissolved bones.	Claying of land.
Chalking of land.	Liming of land.
Clay-burning.	Murling of land.

THIRD CLASS.

Application to land of purchased artificial or other purchased manure.

Consumption on the holding by the cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.

he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of the improvement.

6. *Time in which improvement exhausted.*] An improvement shall not in any case be deemed, for the purposes of this Act, to continue unexhausted beyond the respective times following after the year of tenancy in which the outlay thereon is made :

Where the improvement is of the first class, the end of twenty years :

Where it is of the second class, the end of seven years :

Where it is of the third class, the end of two years.

7. *Amount of tenant's compensation in first class.*] The amount of the tenant's compensation in respect of an improvement of the first class shall, subject to the provisions of this Act, be the sum laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made and while the improvement continues unexhausted; but so that where the landlord was not, at the time of the consent given to the execution of the improvement, absolute owner of the holding for his own benefit, the amount of the compensation shall not exceed a capital sum fairly representing the addition which the improvement, as far as it continues unexhausted at the determination of the tenancy, then makes to the letting value of the holding.

8. *Amount of tenant's compensation in second class.*] The amount of the tenant's compensation in respect of an improvement of the second class shall, subject to the provisions of this Act, be the sum properly laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made and while the improvement continues unexhausted.

9. *Amount of tenant's compensation in third class.*] The amount of the tenant's compensation in respect of an improvement of the third class shall, subject to the provisions of this Act, be such proportion of the sum properly laid out by the tenant on the improvement as fairly represents the value thereof at the determination of the tenancy to an incoming tenant.

10. *Consent of landlord for first class.*] The tenant shall not be entitled to compensation in respect of an improvement of the first class, unless he has executed it with the previous consent in writing of the landlord.

11. *Deduction in first class for want of repair, &c.*] In the ascertainment of the amount of the tenant's compensation in respect of an improvement of the first class, there shall be taken into account, in reduction thereof, any sum reasonably necessary to be expended for the purpose of putting the same into tenantable repair or good condition.

12. *Notice to landlord for second class.*] The tenant shall not be entitled to compensation in respect of an improvement of the second class, unless, not more than forty-two and not less than seven days before beginning to execute it, he has given to the landlord notice in writing of his intention to do so, nor where it is executed after the tenant has given or received notice to quit, unless it is executed with the previous consent in writing of the landlord.

13. *Exclusion of compensation in third class after exhausting crop.*] The tenant shall not be entitled to compensation in respect of an improvement of the third class, where, after the execution thereof, there has been taken from the portion of the holding on which the same was executed, a crop of corn, potatoes, hay, or seed, or any other exhausting crop.

14. *Exclusion of compensation for consumption of cake, &c., in certain cases.*] The tenant shall not be entitled to compensation in respect of an improvement of the third class, consisting in the consumption of cake or other feeding stuff, where, under the custom of the country or an agreement, he is entitled to and claims payment from the landlord or in

coming tenant, in respect of the additional value given by that consumption to the manure left on the holding at the determination of the tenancy.

15. *Restrictions as to third class.*] In the ascertainment of the amount of compensation in respect of an improvement of the third class,—

- (1) There shall not be taken into account any larger outlay during the last year of the tenancy than the average amount of the tenant's outlay for like purposes during the three next preceding years of the tenancy, or other less number of years for which the tenancy has endured; and,
- (2) There shall be deducted the value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots, or green crops sold off the holding within the last two years of the tenancy or other less time for which the tenancy has endured, except as far as a proper return of manure to the holding has been made in respect of such produce sold off.

16. *Deductions from compensation for taxes, rent, &c.*] The amount of the tenant's compensation shall be subject to the following deductions:

- (1) For taxes, rates, and tithe rentcharge due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord:
- (2) For rent due or becoming due in respect of the holding:
- (3) For the landlord's compensation under this Act.

17. *Set-off of benefit to tenant.*] In the ascertainment of the amount of the tenant's compensation there shall be taken into account in reduction thereof any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement.

18. *Tenant's compensation for breach of covenant.*] Where a landlord commits a breach of covenant or other agreement connected with the contract of tenancy, and the tenant claims under this Act compensation in respect of an improvement, then the tenant shall be entitled to obtain, on the determination of the tenancy, compensation in respect of the breach, subject and according to the provisions of this Act.

19. *Landlord's title to compensation.*] Where a tenant commits or permits waste, or commits a breach of a covenant or other agreement connected with the contract of tenancy, and the tenant claims compensation under this Act in respect of an improvement, then the landlord shall be entitled, by counter-claim, but not otherwise, to obtain, on the determination of the tenancy, compensation in respect of the waste or breach, subject and according to the provisions of this Act.

But nothing in this section shall enable a landlord to obtain under this Act compensation in respect of waste or a breach committed or permitted in relation to a matter of husbandry more than four years before the determination of the tenancy.

Procedure.

20. *Notice of intended claim.*] Notwithstanding anything in this Act, a tenant shall not be entitled to compensation under this Act unless one month at least before the determination of the tenancy he gives notice in writing to the landlord of his intention to make a claim for compensation under this Act.

Where a tenant gives such a notice the landlord may, before the determination of the tenancy or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim for compensation under this Act.

Every such notice and counter-notice shall state, as far as reasonably may be, the particulars of the intended claim.

21. *Compensation agreed or settled by reference.*] The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid to the tenant or to the landlord under this Act.

If in any case they do not so agree the difference shall be settled by a reference.

22. *Appointment of referee or referees and umpire.*] Where

there is a reference under this Act, a referee, or two referees and an umpire, shall be appointed as follows:

- (1) If the parties concur, there may be a single referee appointed by them jointly:
- (2) If before award the single referee dies or becomes incapable of acting, or for seven days after notice from the parties, or either of them, requiring him to act, fails to act, the proceedings shall begin afresh, as if no referee had been appointed:
- (3) If the parties do not concur in the appointment of a single referee, each of them shall appoint a referee:
- (4) If before award one of two referees dies or becomes incapable of acting, or for seven days after notice from either party requiring him to act fails to act, the party appointing him shall appoint another referee:
- (5) Notice of every appointment of a referee by either party shall be given to the other party:
- (6) If for fourteen days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving notice, the county court shall within fourteen days appoint a competent and impartial person to be a referee:
- (7) Where two referees are appointed, then (subject to the provisions of this Act) they shall before they enter on the reference appoint an umpire:
- (8) If before award an umpire dies or becomes incapable of acting, the referees shall appoint another umpire:
- (9) If for seven days after request from either party the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall within fourteen days appoint a competent and impartial person to be the umpire:
- (10) Every appointment, notice, and request under this section shall be in writing.

23. *Requisition for appointment of umpire by Inclosure Commissioners, &c.*] Provided, that where two referees are appointed, an umpire may be appointed as follows:

- (1) If either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the Inclosure Commissioners for England and Wales, then the umpire, and any successor to him, shall be appointed, on the application of either party, by those commissioners:
- (2) In every other case, if either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the county court, then, unless the other party dissents by notice in writing therefrom, the umpire, and any successor to him, shall, on the application of either party, be so appointed, and in case of such dissent, the umpire, and any successor to him, shall be appointed, on the application of either party, by the Inclosure Commissioners for England and Wales.

24. *Exercise of powers of county court.*] The powers of the county court under this Act, relative to the appointment of a referee or umpire, shall be exercisable by the judge of the court having jurisdiction, whether he is without or within his district, and may, by consent of the parties, be exercised by the registrar of the court.

25. *Mode of submission to reference.*] The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it; and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

26. *Power for referee, &c., to require production of documents, administer oaths, &c.*] The referee or referees or umpire may call for the production of any sample, or voucher or other document, or other evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

27. *Power to proceed in absence.*] The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient, after notice given to the parties.

28. *Form of award.*] The award shall be in writing, signed by the referee or referees or umpire.

29. *Time for award of referee or referees.*] A single referee shall make his award ready for delivery within twenty-eight days after his appointment.

Two referees shall make their award ready for delivery within twenty-eight days after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding in the whole forty-nine days after the appointment of the last appointed of them.

30. *Reference to and award by umpire.*] Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire.

The umpire shall make his award ready for delivery within twenty-eight days after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court from time to time appoints, on the application of the umpire or of either party, made before the expiration of the time appointed by or extended under this section.

31. *Duration of improvement to be found.*] The award shall find and state the time at which each improvement, in respect whereof compensation is awarded, is taken, for the purposes of the award, to be exhausted.

32. *Award to give particulars.*] The award shall not award a sum generally for compensation, but shall, as far as reasonably may be, specify—

The several improvements, acts, and things in respect whereof compensation is awarded;

The time at which each thereof was executed, committed, or permitted;

In the case of an improvement of the first class, where the landlord was not at the time of the consent given to the execution thereof absolute owner of the holding for his own benefit, the extent to which the improvement adds to the letting value of the holding;

The sum awarded in respect of each improvement, act, or thing; and

The sum laid out by the tenant on each improvement.

33. *Costs of reference.*] The costs of and attending the reference, including the remuneration of the referee or referees and umpire, where the umpire has been required to act, and including other proper expenses, shall be borne and paid by the parties in such proportion as to the referee or referees or umpire appears just, regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case.

The award may direct the payment of the whole or any part of the costs aforesaid by the one party to the other.

The costs aforesaid shall be subject to taxation by the registrar of the county court, on the application of either party, but that taxation shall be subject to review by the judge of the county court.

34. *Day for payment.*] The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise.

35. *Submission not to be removable, &c.*] A submission or award shall not be made a rule of any court, or be removable by any process into any court, and an award shall not be questioned otherwise than as provided by this Act.

36. *Appeal to county court.*] Where the sum claimed for compensation exceeds fifty pounds, either party may, within seven days after delivery of the award, appeal against it to the judge of the county court on all or any of the following grounds:

1. That the award is invalid;

2. That compensation has been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was not entitled to compensation;

3. That compensation has not been awarded for improve-

ments, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was entitled to compensation;

and the judge shall hear and determine the appeal, and may, in his discretion, remit the case to be reheard as to the whole or any part thereof by the referee or referees or umpire, with such directions as he may think fit.

If no appeal is so brought, the award shall be final.

The decision of the judge of the county court on appeal shall be final, save that the judge shall, at the request of either party, state a special case on a question of law for the judgment of the High Court of Justice, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon.

37. *Recovery of compensation.*] Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable, upon order made by the judge of the county court, as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

38. *Appointment of guardian.*] Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires.

39. *Provisions respecting married women.*] The county court may appoint a person to act as the next friend of a married woman for the purposes of this Act, and may remove or change that next friend if and as occasion requires.

A married woman entitled for her separate use, and not restrained from anticipation, shall, for the purposes of this Act, be in respect of land as if she was unmarried.

Where any other married woman is desirous of doing any act under this Act, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended act, and it shall be ascertained that she is acting freely and voluntarily.

40. *Costs in county court.*] The costs of proceedings in the county court under this Act shall be in the discretion of the court.

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court.

41. *Service of notice, &c.*] Any notice, request, demand, or other instrument under this Act may be served on the person to whom it is to be given, either personally or by leaving it for him at his last known place of abode in England, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course; and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted, and that it contained the notice, request, demand, or other instrument to be served.

Charge of Tenant's Compensation.

42. *Power for landlord, on paying compensation, to obtain charge.*] A landlord, on paying to the tenant the amount of compensation due to him under this Act, may obtain from the county court a charge on the holding in respect thereof.

The court shall have power, on proof of the payment, and on being satisfied of the observance in good faith by the parties of the conditions imposed by this Act, to make an order charging the holding with repayment of the amount paid, or any part thereof, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the court thinks fit.

But, where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, for the purposes of this Act, be taken to be exhausted.

The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

43. *Advance made by a company for the improvement of land.*] Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever.

44. *Duration of charge.*] The sum charged by the order of a county court under this Act shall be a charge on the holding for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the landlord's interest where the landlord is himself a tenant of the holding.

Crown and Duchy Lands.

45. *Application of Act to Crown lands.*] This Act shall extend and apply to land belonging to her Majesty the Queen, her heirs and successors, in right of the Crown.

With respect to such land, for the purposes of this Act, the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or one of them, or other the proper officer or body having charge of such land for the time being, or in case there be no such officer or body, then such person as her Majesty, her heirs or successors, may appoint in writing under the Royal sign manual, shall represent her Majesty, her heirs and successors, and shall be deemed to be the landlord.

Any compensation payable under this Act by the Commissioners of her Majesty's Woods, Forests, and Land Revenues, or either of them, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section one of the Crown Lands Act, 1866, and the amount thereof shall be charged and repaid as in that section provided with respect to the costs, charges, and expenses therein mentioned.

Any compensation payable under this Act by those commissioners, or either of them, in respect to an improvement of the second class, or of the third class, shall be deemed to be part of the expenses of the management of the land revenues of the Crown, and shall be payable by those commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

46. *Application of Act to land of Duchy of Lancaster.*] This Act shall extend and apply to land belonging to her Majesty, her heirs and successors, in right of the Duchy of Lancaster.

With respect to such land, for the purposes of this Act, the Chancellor for the time being of the Duchy shall represent her Majesty, her heirs and successors, and shall be deemed to be the landlord.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the first class shall be deemed to be an expense incurred in improvement of land belonging to her Majesty, her heirs or successors, in right of the duchy, within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, and shall be raised and paid as in that section provided with respect to the expenses therein mentioned.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the second class or of the third class shall be paid out of the annual revenues of the duchy.

The amount of any compensation payable under this Act to the Chancellor of the Duchy shall be paid into the hands of the Receiver-General of the Revenues of the Duchy, or of sufficient deputy or deputies; and receipts shall be given by him or them for the same; and the same shall be applied as purchase-money for land sold under the Duchy of Lancaster Lands Act, 1856, is applicable under section two of that Act.

47. *Application of Act to land of Duchy of Cornwall.*] This Act shall extend and apply to land belonging to the Duchy of Cornwall.

With respect to such land, for the purposes of this Act, such person as the Duke of Cornwall for the time being, or other the personage for the time being entitled to the

revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual, warrant, or otherwise, appoints, shall represent the Duke of Cornwall, or other the personage aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorized or required to do thereunder.

Any compensation payable under this Act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section eight of the Duchy of Cornwall Management Act, 1863, and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

Ecclesiastical and Charity Lands.

48. *Landlord, archbishop or bishop.*] Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England,

49. *Landlord, incumbent of a benefice.*] Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy).

In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change of the incumbent.

The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then vacant, would be entitled to present thereto).

50. *Landlord, charity trustees, &c.*] The powers of this Act conferred on a landlord shall not be exercised by trustees for ecclesiastical or charitable purposes except with the previous approval in writing of the Charity Commissioners for England and Wales.

Notice to Quit.

51. *Time of notice to quit.*] Where a half-year's notice, expiring with a year of tenancy, is by law necessary and sufficient for determination of a tenancy from year to year, a year's notice so expiring shall by virtue of this Act be necessary and sufficient for the same; but nothing in this section shall extend to a case where the tenant is adjudged bankrupt, or has filed a petition for a composition or arrangement with his creditors.

Resumption for Improvements.

52. *Resumption of possession of cottages, &c.*] Where on a tenancy from year to year a notice to quit is given by the landlord with a view to the use of land for any of the following purposes—

- The erection of farm labourers' cottages or other houses, with or without gardens;
- The providing of gardens for existing farm labourers' cottages or other houses;
- The allotment for labourers of land for gardens or other purposes;
- The planting of trees;
- The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connection therewith;
- The obtaining of brick, earth, gravel, or sand;
- The making of a watercourse or reservoir;
- The making of any road, tramroad, siding, canal, or

basin, or any wharf, pier, or other work connected therewith; and the notice to quit so states, then it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of this Act respecting compensation shall apply as on determination of a tenancy in respect of an entire holding.

The tenant shall also be entitled to a proportionate reduction of rent in respect of the land comprised in the notice to quit, and in respect of any depreciation of the value to him of the residue of the holding, caused by the withdrawal of that land from the holding or by the use to be made thereof; and the amount of that reduction shall be ascertained by agreement or settled by a reference under this Act, as in case of compensation (but without appeal).

The tenant shall further be entitled, at any time within twenty-eight days after service of the notice to quit, to serve on the landlord a notice in writing to the effect that he (the tenant) accepts the same as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

Fixtures.

53. *Tenant's property in fixtures, machinery, &c.* Where after the commencement of this Act a tenant affixes to his holding any engine, machinery, or other fixture for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed in pursuance of some obligation in that behalf or instead of some fixture belonging to the landlord, then such fixture shall be the property of and be removable by the tenant:

Provided as follows:—

- (1) Before the removal of any fixture the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect of the holding;
- (2) In the removal of any fixture the tenant shall not do any avoidable damage to any building or other part of the holding;
- (3) Immediately after the removal of any fixture the tenant shall make good all damage occasioned to any building or other part of the holding by the removal;
- (4) The tenant shall not remove any fixture without giving one month's previous notice in writing to the landlord of the intention of the tenant to remove it;
- (5) At any time before the expiration of the notice of removal the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture comprised in the notice of removal, and any fixture thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by a reference under this Act, as in case of compensation (but without appeal):

But nothing in this section shall apply to a steam engine erected by the tenant if, before erecting it, the tenant has not given to the landlord notice in writing of his intention to do so, or if the landlord, by notice in writing given to the tenant, has objected to the erection thereof.

General Application of Act.

54. *No restriction on contract.* Nothing in this Act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect any such agreement as they think fit, or shall interfere with the operation thereof.

55. *Adoption of parts of Act by agreement.* A landlord and tenant, whether the landlord is absolute owner of the holding for his own benefit or not, may, in any agreement in writing relating to the holding, adopt by reference any of the provisions of this Act respecting procedure or any other matter, without adopting all the provisions of this Act; and any provision so adopted shall have effect in connection with the agreement accordingly.

But where, at the time of the making of the agreement, the landlord is not absolute owner of the holding for his own benefit, no charge shall be made on the holding, under this Act, by virtue of the agreement, greater than or different in nature or duration from the charge which might

have been made thereon, under this Act, in the absence of the agreement.

56. *Application of Act to future tenancies.* This Act shall apply to every contract of tenancy beginning after the commencement of this Act, unless, in any case, the landlord and tenant agree in writing, in the contract of tenancy, or otherwise, that this Act, or any part or provision of this Act, shall not apply to the contract; and, in that case, this Act, or the part or provision thereof to which that agreement refers (as the case may be), shall not apply to the contract.

57. *Application of Act to existing tenancies.* In any case of a contract of tenancy from year to year or at will, current at the commencement of this Act, this Act shall not apply to the contract, if within two months after the commencement of this Act the landlord or the tenant gives notice in writing to the other to the effect that he (the person giving the notice) desires that the existing contract of tenancy between them shall remain unaffected by this Act; but such a notice shall be revocable by writing; and in the absence of any such notice, or on revocation of every such notice, this Act shall apply to the contract.

In every other case of a contract of tenancy current at the commencement of this Act, this Act shall not apply to the contract.

58. *Exception of non-agricultural and small holdings.* Nothing in this Act shall apply to a holding that is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or that is of less extent than two acres.

59. *Exception where other compensation.* A tenant shall not be entitled to claim compensation under this Act, and under any custom of the country or contract in respect of the same work or thing.

60. *General saving of rights.* Except as in this Act expressed, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exercisable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvement, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe, rent-charge, rent, or other thing.

CAP. XCIII.

An Act to amend the Copyright of Designs Acts.

[13th August, 1875.]

Be it enacted, &c.:

1. *Commencement of Act.* This Act shall come into operation on the first day of January, one thousand eight hundred and seventy-six, which day is in this Act referred to as the commencement of this Act.

2. *Transfer to Commissioners of Patents of powers and duties of Board of Trade under Copyright of Designs Acts.* On and after the commencement of this Act all powers, duties, and authorities vested in, imposed on, or to be exercised by the Board of Trade under the Acts mentioned in the schedule to this Act shall be transferred to, vested in, and imposed on the Commissioners of Patents for Inventions, and the said Acts shall be construed as if the said Commissioners of Patents were throughout substituted for the Board of Trade or the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations.

3. *Power for commissioners of Patents to make general rules.* The said Commissioners of Patents may from time to time make, and when made revoke and alter, general rules for regulating registration under the Acts mentioned in the schedule hereto, and this Act, and on and after the commencement of this Act any discretion or power vested in the registrar under the said Acts shall be subject to the control of the Commissioners of Patents and shall be exercised by him in such manner and with such limitations and restrictions (if any) as may be prescribed by the said general rules, and any provisions contained in the said Acts as to the copies, drawings, prints, descriptions, information, matters, and particulars to be furnished to the registrar prior to registration, and as to the mode in which registration is to be conducted by the registrar, and generally as to any act or thing to be done by the registrar, may be modified by such

general rules in such manner as the said Commissioners of Patents may think expedient.

General rules made in pursuance of this section shall be laid before Parliament within one month after they are made if Parliament be then sitting, or if not, within one month after the commencement of the then next session; and if either House of Parliament resolve within one month after such rules have been laid before such House that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice nevertheless to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

4. *Transfer of duties of registrar to officers of Commissioners of Patents.* The office of registrar under the Acts mentioned in the schedule to this Act shall cease to exist as a separate paid office, and the Commissioners of Patents may from time to time make arrangements as to the mode in which and the person or persons by whom the duties of registrar and other duties under the said Acts are to be performed, and may from time to time delegate to any such person or persons all or any of the duties of the registrar, and any person or persons to whom such duties may be delegated shall, in so far as such delegation extends, be deemed to be the registrar within the meaning of the said Acts.

Any arrangement or delegation of duties to the clerk or other officer of the Commissioners of Patents made by the Board of Trade shall be as valid as it would have been if this Act had been passed at the date of such arrangement or delegation, and the same had been made by the Commissioners of Patents.

5. *Short title of Acts.* Each of the Acts mentioned in the schedule to this Act may be cited as the Copyright of Designs Act of the year in which it was passed, and the said Acts may, together with this Act, be cited as the Copyright of Designs Acts, 1842 to 1875, and this Act may be cited as the Copyright of Designs Act, 1875.

SCHEDULE.

COPYRIGHT OF DESIGNS ACTS.

Session and Chapter.	Title.
5 & 6 Vict. c. 100.	An Act to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65.	An Act to amend the laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104.	An Act to extend and amend the Acts relating to the Copyright of Designs.
21 & 22 Vict. c. 70.	An Act to amend the Act of the fifth and sixth years of her present Majesty to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
24 & 25 Vict. c. 73.	An Act to amend the law relating to the Copyright of Designs.

CAP. XCIV.

An Act to amend the Law relating to Offences against the Person. [13th August, 1875.]

Whereas it is expedient to amend the law relating to offences against the person :

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Offences against the Person Act, 1875.

2. *Repeal of sections 50 and 51 of 24 & 25 Vict. c. 100.* Sections fifty and fifty-one of the Act of the twenty-fourth and twenty-fifth years of the reign of her Majesty, chapter one hundred, are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken or of prosecuting or punishing any person for any offence committed before the passing of this Act.

3. *Abusing a girl under twelve years of age.* Whosoever shall unlawfully and carnally know and abuse any girl under the age of twelve years shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

4. *Abusing a girl above twelve years of age and under thirteen years of age.* Whosoever shall unlawfully and carnally know and abuse any girl being above the age of twelve years and under the age of thirteen years, whether with or without her consent, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

5. *This Act to be read with 24 & 25 Vict. c. 100.* This Act shall be deemed to be incorporated with the Act of the twenty-fourth and twenty-fifth years of the reign of her Majesty, chapter one hundred, and shall be construed as if the said Act (except such parts thereof as are repealed or amended by this Act) and this Act were one Act.

6. *Extent of Act.* This Act shall not extend to Scotland.

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Justices (Dublin).	Royal Irish Constabulary.
Leasing Powers, &c.	Sanitary Law, Dublin.

IRISH CHURCH ACT. See Glebe Lands.

IRISH CONSTABULARY. See Royal Irish Constabulary.

JUDICATURE, COURT OF. See Supreme Court of Judicature Act Amendment.

JURIES (IRELAND) :

To amend the Law relating to Juries in Ireland. Ch. 37.

JUSTICE, ADMINISTRATION OF. See—

Bankruptcy (Scotland).	Offences against the Person.
Conspiracy, &c.	Pacific Islanders Protection.
County Courts.	Peace Preservation (Ireland).
Employers and Workmen.	Police.
Entail Amendment (Scotland).	Police Magistrates.
Falsification of Accounts.	Public Stores.
Foreign Jurisdiction.	Remission of Penalties.
Government Officers Security.	Sale of Food and Drugs.
Intestates' Widows and Children.	Sheriff's Substitute (Scotland).
Juries (Ireland).	Summary Prosecutions Appeals (Scotland).
Justices of the Peace.	Supreme Court of Judicature.
Justices (Dublin).	
Legal Practitioners.	

JUSTICES OF THE PEACE :

To amend the Qualification required by Persons acting as Justices of the Peace. Ch. 54. p. 22.

JUSTICES (DUBLIN) :

To amend the Laws relating to the Justices of the Police District of Dublin Metropolis. Ch. 20.

KIDNAPPING. See Pacific Islanders Protection.

LABOURERS' DWELLINGS. See Artisans and Labourers' Dwellings.

LANARKSHIRE, SHERIFF SUBSTITUTE FOR. See Sheriff's Substitute (Scotland).

LANDS TITLES AND TRANSFER :

To simplify Titles and facilitate the Transfer of Land in England. Ch. 87. p. 40.

LANDLORD AND TENANT. See Agricultural Holdings.

LARCENY LAW AMENDMENT. See Falsification of Accounts.

LEASING POWERS FOR RELIGIOUS WORSHIP (IRELAND) :

To enable limited Owners to grant or demise Lands for Glebes in Ireland. Ch. 11.

LEGAL PRACTITIONERS :

To amend the Law relating to Legal Practitioners. Ch. 79. p. 34.

LICENCES (EXCISE). See Customs and Inland Revenue.

LOANS. See Local Authorities Loans. Metropolitan Board of Works. Public Works Loans. Sanitary Law (Dublin) Amendment.

LOCAL AUTHORITIES LOANS :

To amend the Law relating to Securities for Loans contracted by Local Authorities. Ch. 83.

LOCAL GOVERNMENT ACTS AMENDMENT. See Public Health.

LODGING-HOUSES. See Public Health.

LONDON, DIOCESE OF. See Saint Albans Bishopric.

LUNATIC ASYLUMS (IRELAND) :

To amend the Laws relating to Private and District Lunatic Asylums in Ireland. Ch. 67.

MAGISTRATES. See Justices. Metropolitan Police Magistrates.

MARINE MUTINY :

For the Regulation of her Majesty's Royal Marine Forces while on Shore. Ch. 8.

MARINE STORES. See Public Stores.

MARKETS AND SLAUGHTER-HOUSES. See Public Health.

MASTER AND SERVANT. See Conspiracy, and Protection of Property. Employers and Workmen.

MEDICAL ACTS AMENDMENT (ROYAL COLLEGE OF SURGEONS) :

To amend the Medical Acts so far as relates to the Royal College of Surgeons of England. Ch. 43.

MERCHANT SHIPPING :

To make provision for giving further powers to the Board of Trade for stopping Unseaworthy Ships. Ch. 88. p. 51.

METALLIFEROUS MINES :

To amend the provisions of the Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77), with respect to the annual Returns from Mines. Ch. 39.

METROPOLIS MANAGEMENT ACTS AMENDMENT :

To amend the Metropolis Management Acts. Ch. 33.

METROPOLITAN BOARD OF WORKS (LOANS) :

For further amending the Acts relating to the raising of Money by the Metropolitan Board of Works, and for other purposes. Ch. 65.

METROPOLITAN POLICE :

To amend the Law respecting the Superannuation Allowances of certain Officers of the Staff of the Metropolitan Police. Ch. 28.

— See also Police.

METROPOLITAN POLICE MAGISTRATES :

To make further provision with respect to the Salaries of the Magistrates of the Police Courts in the Metropolitan Police District. Ch. 3.

MILITIA (VOLUNTARY ENLISTMENT):

To consolidate and amend certain Laws relating to the Militia of the United Kingdom. Ch. 69.

MINES. See Metalliferous Mines.**MUNICIPAL ELECTIONS:**

To amend the Law regulating Municipal Elections. Ch. 40. p. 78.

MUSICAL ENTERTAINMENTS. See Public Entertainments.**MUTINY:**

For punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. Ch. 7.

For the Regulation of her Majesty's Royal Marine Forces while on Shore. Ch. 8.

NATIONAL DEBT (SINKING FUND):

To amend the Law with respect to the Reduction of the National Debt and the Charge for the National Debt in the Consolidated Fund. Ch. 45.

NATIONAL SCHOOL TEACHERS PAYMENTS (IRELAND):

To provide for additional Payments to Teachers of National Schools in Ireland. Ch. 96.

NATIONAL SCHOOL TEACHERS RESIDENCES (IRELAND):

To afford facilities for the erection, enlargement, improvement, and purchase of dwelling-houses for Residences for Teachers of certain National Schools in Ireland. Ch. 82.

NAVAL AND MILITARY STORES. See Public Stores.**NITRO-GLYCERINE.** See Explosive Substances.**NUISANCES REMOVAL AND DISEASES PREVENTION.** See Public Health.**OFFENCES AGAINST THE PERSON:**

To amend the Law relating to Offences against the Person. Ch. 94. p. 61.

OLD METAL DEALERS. See Public Stores.**ORDNANCE SURVEY:**

To continue for Ten Years the Survey (Great Britain) Acts. Ch. 32.

OYSTER FISHERIES. See Sea Fisheries.**PACIFIC ISLANDERS PROTECTION:**

To amend the Act 35 & 36 Vict. c. 19, "for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean." Ch. 51.

PARLIAMENT OF CANADA:

To remove certain doubts with respect to the powers of the Parliament of Canada under section eighteen of the British North America Act, 1867 (30 & 31 Vict. c. 3). Ch. 38.

PARLIAMENTARY ELECTIONS:

To regulate the Expenses and to control the Charges of Returning Officers at Parliamentary Elections. Ch. 84. p. 35.

PAROCHIAL RECORDS. See Public Records (Ireland).**PAUPER LUNATICS.** See Lunatic Asylums (Ireland).**PEACE PRESERVATION (IRELAND):**

To amend and continue certain Acts for the Preservation of the Peace in Ireland, and to grant an Indemnity in certain cases. Ch. 14.

PENALTIES. See Remission of Penalties.**PHARMACY (IRELAND):**

To institute a Pharmaceutical Society, and to regulate the Qualifications of Pharmaceutical Chemists and of Chemists and Druggists in Ireland. Ch. 57.

POACHING PREVENTION ACT, 1862. See Police (Scotland).**POLICE:**

To make further provision respecting the contribution out of moneys provided by Parliament towards the expenses of the Police Force in the Metropolitan Police District, and elsewhere in Great Britain. Ch. 48.

— See also Metropolitan Police.

POLICE (IRELAND):

To amend the Constabulary (Ireland) Act, 1874 (37 & 38 Vict. c. 80). Ch. 44.

POLICE (SCOTLAND):

To amend the Law in regard to Constables and Peace Officers in Scotland. Ch. 47.

POLICE MAGISTRATES. See Dublin Justices. Metropolitan Police Magistrates.**POST-OFFICE:**

For the further regulation of the Duties on Postage, and for other purposes relating to the Post-Office. Ch. 22.

PRIVATE LUNATIC ASYLUMS. See Lunatic Asylums (Ireland).**PRORATE COURT.** See Supreme Court of Judicature Act Amendment.**PROSECUTIONS.** See Summary Prosecution Appeals (Scotland).**PROTECTION OF PROPERTY.** See Conspiracy, and Protection of Property.**PUBLIC ENTERTAINMENTS:**

For amending the Law relating to Houses of Public Dancing, Music, or other Public Entertainment of the like kind, in the cities of London and Westminster. Ch. 21.

— See also Remission of Penalties.

PUBLIC HEALTH:

For consolidating and amending the Acts relating to Public Health in England. Ch. 55.

PUBLIC HEALTH (SCOTLAND):

To amend the Public Health (Scotland) Act, 1867 (30 & 31 Vict. c. 101), and other Sanitary Acts in respect of Loans for Sanitary Purposes. Ch. 74.

PUBLIC RECORDS (IRELAND):

To amend the Public Records (Ireland) Act, 1867 (30 & 31 Vict. c. 70), and to make provision for keeping safely Parochial Records in Ireland. Ch. 59.

PUBLIC STORES:

To consolidate, with Amendments, the Acts relating to the Protection of Public Stores. Ch. 25.

PUBLIC WORKS LOANS (CONSOLIDATION OF ACTS):

To consolidate, with Amendments, the Acts relating to Loans for Public Works. Ch. 89.

PUBLIC WORKS LOANS (MONEY):

To authorize Advances to the Public Works Loan Commissioners for enabling them to make Loans under divers Acts authorizing such Loans. Ch. 58.

QUALIFICATION OF JUSTICES. See Justices of the Peace.**RAILWAY COMPANIES:**

To make perpetual Section Four of the Railway Companies Act, 1867 (30 & 31 Vict. c. 127), and Section Four of the Railway Companies (Scotland) Act, 1867 (30 & 31 Vict. c. 126). Ch. 31.

RECORDS, PUBLIC. See Public Records (Ireland).**REDUCTION OF THE NATIONAL DEBT.** See National Debt (Sinking Fund).**REGIMENTAL EXCHANGES:**

To amend the Law relating to Regimental Exchanges. Ch. 16.

REGISTRATION OF TITLES. See Land Titles and Transfer.**REGISTRATION OF TRADE MARKS:**

To establish a Register of Trade Marks. Ch. 91, p. 55.

REGISTRY OF DEEDS OFFICE (IRELAND):

To amend the Law relating to the Registry of Deeds Office, Ireland. Ch. 5.

REMISSION OF PENALTIES:

To amend the Act 21 Geo. 3, c. 49, "for preventing certain abuses and profanations of the Lord's-day called Sunday," and for further amending the law concerning the remission of penalties. Ch. 80, p. 34.

REPRESENTATIVE CHURCH BODY (IRELAND). See Glebe Lands (Ireland).

RETURNING OFFICERS. See Parliamentary Elections.

ROCHESTER, DIOCESE OF. See Saint Albans Bishopric.

ROYAL COLLEGE OF SURGEONS. See Medical Acts Amendment.

ROYAL IRISH CONSTABULARY:

To amend the Constabulary (Ireland) Act, 1874 (37 & 38 Vict. c. 80). Ch. 44.

ROYAL MARINES. See Marine Mutiny.

SAINT ALBANS BISHOPRIC:

To amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the re-arrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans. Ch. 34.

SALE OF FOOD AND DRUGS:

To repeal the Adulteration of Food Acts, and to make better provision for the Sale of Food and Drugs in a pure state. Ch. 63, p. 23.

SANITARY ACTS AMENDMENT. See Public Health.

SANITARY LAW (DUBLIN) AMENDMENT:

To amend 33 & 34 Vict. c. 106, "to amend the Sanitary Act, 1866, so far as relates to the City of Dublin." Ch. 95.

SCHOOLS. See Endowed Schools. National School Teachers (Ireland).

SCIENCE AND ART DEPARTMENT:

For making further provision respecting the Department of Science and Art. Ch. 68.

SCOTLAND. For Acts relating exclusively to Scotland see—

Artisans and Labourers' Dwellings.	Intestates' Widows and Children.
Bankruptcy.	Police.
Contagious Diseases (Animals).	Public Health.
Entail Amendment.	Sheriff's Substitute.
	Summary Prosecutions Appeals.

SEA FISHERIES:

To amend the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45). Ch. 15.

SEAL FISHERY:

To provide for the establishment of a Close Time in the Seal Fishery in the Seas adjacent to the eastern coasts of Greenland. Ch. 18.

SEQUESTRATION. See Bankruptcy (Scotland).

SEWAGE UTILIZATION. See Public Health.

SHERIFF'S SUBSTITUTE (SCOTLAND):

To authorize the payment out of the Consolidated Fund of the United Kingdom of the Salary of an additional Sheriff Substitute in Scotland, and for other purposes. Ch. 81.

SHIPPING. See Merchant Shipping.

SINKING FUND. See National Debt (Sinking Fund).

SOCIETIES. See Building Societies. Friendly Societies. Pharmaceutical Society.

SOLICITORS. See Attorneys and Solicitors.

SOUTH SEA ISLANDERS. See Pacific Islanders Protection.

SOUTH WALES TURNPIKE TRUSTS:

For the further amendment of the Laws relating to Turnpike Roads in South Wales. Ch. 35.

STAMP DUTIES. See Customs and Inland Revenue.

STATUTE LAW REVISION:

For further promoting the Revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary. Ch. 66.

STORES, PUBLIC. See Public Stores.

SUMMARY PROSECUTIONS APPEALS (SCOTLAND):

To alter and amend the Law relating to Appeals in Summary Prosecutions before Inferior Judges in Scotland. Ch. 62.

SUNDAY ENTERTAINMENTS:

To amend the Act 21 Geo. 3, c. 49, "for preventing certain abuses and profanations on the Lord's-day called Sunday," and for further amending the law concerning the remission of penalties. Ch. 80, p. 34.

SUPERANNUATION ALLOWANCES:

To amend the Superannuation Act, 1859 (22 Vict. c. 26), so far as relates to the Superannuation Allowances to be granted to Civil Servants who have served in Unhealthy Climates. Ch. 4.

— See also Metropolitan Police. County Surveyors (Ireland).

SUPPLY. See Consolidated Fund.

SUPREME COURT OF JUDICATURE ACT AMENDMENT:

To amend and extend the Supreme Court of Judicature Act, 1873 (36 & 37 Vict. c. 66). Ch. 77, p. 27.

SURVEY ACTS CONTINUANCE:

To continue for Ten Years the Survey (Great Britain) Acts. Ch. 32.

SURVEYORS. See County Surveyors (Ireland).

TEACHERS OF NATIONAL SCHOOLS. See National School Teachers (Ireland).

TEA DUTIES. See Customs and Inland Revenue.

TENANTS, AGRICULTURAL. See Agricultural Holdings.

TITLES TO LAND. See Land Titles and Transfer.

TRADE DISPUTES. See Conspiracy, and Protection of Property.

TRADE MARKS. See Registration of Trade Marks.

TRANSFER OF LAND. See Land Titles and Transfer.

TREATY OF WASHINGTON. See Washington Treaty.

TURNPIKE ROADS (SOUTH WALES):

For the Further amendment of the Laws relating to Turnpike Roads in South Wales. Ch. 35.

UNITED STATES. See Washington Treaty.

UNLAWFUL OATHS. See Peace Preservation (Ireland).

UNSEAWORTHY SHIPS:

To make provision for giving further powers to the Board of Trade for stopping Unseaworthy Ships. Ch. 88, p. 51.

VALUATION (METROPOLIS) ACT, 1869. See Metropolis Management Acts Amendment.

VOLUNTARY ENLISTMENT. See Army. Militia.

WALES. See South Wales Turnpike Trusts.

WAR DEPARTMENT STORES. See Public Stores.

WASHINGTON TREATY:

To provide for the completion of the distribution of the sums of money paid to her Majesty by the United States of America on account of Awards made by the Commissioners acting under a certain Treaty between her Majesty and the United States of America. Ch. 52.

WIDOWS OF INTESTATES. See Intestates' Widows and Children.

WINCHESTER, DIOCESE OF. See Saint Albans Bishopric.

WORKING CLASSES' DWELLINGS. See Artisans and Labourers' Dwellings.

WORKMEN. See Employers and Workmen.

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a multi-column legal document or report, possibly containing case names, dates, and descriptions of legal proceedings. Some fragments are visible, such as "In the Court of the Sheriff of the County of...", "and the said...", and "whereby..."]

